

# Advertisement.

**H**ibernia Anglicana, or the History of Ireland; from the Conquest thereof by the English, to this time: with an Introductory Discourse touching the Antient State of that Kingdom; and a new and exact Map of the same: Part the First: By Richard Cox, Esq;

The Second Part; from the beginning of the Reign of King James the First, to this present Time, by the same Author, will be Published the next Term. Both Printed for Joseph Watts, at the Angel in St. Paul's Church-yard.

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P R O V I D E

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THE  
**Present Settlement**  
VINDICATED,  
And the Late  
**MIS-GOVERNMENT**  
**PROVED:**  
In ANSWER to a  
**SEDITIONOUS LETTER**  
FROM  
**A (Pretended) LOYAL MEMBER**  
OF THE  
**CHURCH of ENGLAND,**  
To a RELENTING  
**ABDICATOR.**

---

By a Gentleman of Ireland. *JR<sup>d</sup> Bask. L.*

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L O N D O N :

Printed for Joseph Watts, at the Angel in St. Paul's  
Church-Yard. 1690.



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*J. R. Dalk. L.*

L O N D O N :

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THE  
Fugitive Settlement  
VINDICATED

And the same

MIS-GOVERNMENT

PROVED:

In answer to

SEDITIONOUS LETTER

FROM

A (Pretended) Irish Member

OF THE

CHURCH OF ENGLAND

TO THE EDITOR

ABDICATOR.

1842

Printed by W. G. Smith, at the office of the Fugitive Settlement, No. 1, St. Paul's Church-yard, London.

LONDON.

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AN  
ANSWER

To a Late

Seditious Letter

FROM A

Pretended Loyal MEMBER

OF THE

CHURCH of ENGLAND, &c.

SIR,

**T**HERE was a Pamphlet put into my Hands lately, by whom I know not, the method of address being unusual, set me upon the immediate perusal of it; in which I had not gone far, before I observed the design both of the Donor and Author, who, I am apt to believe, were the same; for only one that abounded in his own Notions, and valued them because they were his own, could expect to make a Profelyte by his Reasoning: If that was the design, these few hasty Reflections will shew you how much he has been mistaken in me.

B

Before

Before I enter upon Particulars, I must acknowledge that our Author's method is very regular; and had he made out the Propositions, as laid down by him, his Book would be much more dangerous to the Government than I apprehend it is; for were it made plain that the late King only designed the good and happiness of his Subjects in general; I fear that alone would weaken the hand of our Deliverer, without proving our Condition to be worse now than in his Reign: But since neither of those Propositions are true, and since so little can be said in the support of them, a very critical season is required for the advancement of these Notions; though our Author in his Title-page pretends himself a Member of the Church of England, and in other places, that his chief concern is for the Church; yet his using Arguments to persuade us to return to that Condition that had so largely endangered it, and can only destroy it, and his confident misrepresenting matter of fact, are sufficient proofs to what Society he belongs.

His first Proposition is, *That King James really proposed to himself those methods of Government which he judged would best conduce to the happiness of all his Subjects in general.*

His Arguments to prove this, are only an Encomium on his Person and Parts, and a pretended Answer to an Objection made by himself, which is, in truth, several, though he calls it but one; and notwithstanding all he says, most of them will still remain as blemishes on his King's Understanding as well as Government.

I am sorry that the Confidence of the Author forces me to say any thing to the lessening of his Person, and nothing less than a bold asserting, That *no qualifications were wanting in King James that we could have wished would have tempted me to it.*

Our Author knows very well how to pick out Topicks of Praise, but never considers how applicable they are to his *Hero*; a proof whereof we have in his first instance; when I read it I was almost tempted to believe I had been reading the Character of his Grandfather, and that our Author had mistaken our *James* for the other, otherwise he would not have told us of his care in preserving us in Peace, when most part of Europe and Asia were in continual War: But notwithstanding all his said Endeavours, there was more Blood shed in his Four years Reign, than in the others Twenty-four. And as to the other part of the Assertion, I cannot call to mind the continual Wars of our Neighbours, during the late King's Reign; nor instance in any other, but that against the *Turk*, which our Author seems to remem-

remember by his mention of *Asia*; and I leave it to the Christian World to judge, Whether that were not more beneficial, as well as more glorious, than his Peace? *How industrious he was in advancing the Trade of this Kingdom*, I cannot tell: but this I am sure of, that the Trade this Nation drives with *France*, was above Six hundred thousand pound of advantage to that Nation to the prejudice of this, the over-balance of that Trade amounting yearly to that Sum, if not to a far greater: And, besides, he was as zealous and more successful in destroying the Trade of another of his Kingdoms to enlarge hereon, is too melancholy a subject for either of us. And though he were a good Husband of his *Revenue*, yet certainly what was given to the Priests and Fryars of both Kingdoms, and their Emissaries, might have been better employed; and I should be glad to know what our Author thinks of the great Expences of *Cassimain's* vain Embassy to *Rome*, which did scarce procure him the common respect due to his Character. And that he never required a Tax from his People, is so strange an Assertion, that surely our Author never considered what he writ, or thought we would not; for he not only required a Tax from his People, but levied great ones of them without their grant; for which, in Page 26. our Author makes an excuse, which shall be considered in its place; and if our Author had but looked into the Acts of Parliament of his Reign, he would have found Four of the first Five granting him temporary Taxes not expired, and very great ones, sufficiently large for one Session; and it is seldom seen that Parliaments give Money without asking: but it was so far from that, that he never speaks to them, but to take care of his Revenue, was part of his Speech; and when he passed the Bill, settling on Himself the Revenue his Brother had for Life, he required a further Tax from his People in a set Speech for no other purpose; and if the Author would but look into his Speech of *October* the 9th. 1685. at the opening the next Sessions of that Parliament, he will find he wanted not more Subsidies for want of asking; and that in this particular we are more beholden to his other Councils that made him afraid of Parliaments, than to his kindness to his People, if his *Magazines* and *Stores* were plentifully furnished: This was but an ordinary effect of his long Peace, great Revenue, and greater Design. But I make a Question, Whether those were to well provided, as he was desirous the World should believe? And, in

truth, they were never more empty ; of which the Nation has already found the inconvenience : For if the Naval Stores had but answered expectation, his Friends had met with other entertainment in *Bansty-bay* the First of *May* last. That he kept too good a Correspondence with one of his Neighbouring Princes, will not be denied ; but whether with more than one of them, I question ; and whether thereby he did not sink the Reputation of his Justice and Honour both abroad and at home, will appear by the respect he had at *Rome*, where one would have thought he should have been courted at another rate ; for a Protestant instance, the States denial of *Dr. Burnet*, and not suffering the Doctor to withdraw, though he desired it, is sufficient ; and the Carriage of the French at *Hudsons-bay* shews their kindness as well as respect. If our Author had considered these things, surely he would not have bragged of the good Correspondence he held with his Neighbour Princes and States, or of the Reputation he had acquired to himself abroad.

When I met the Author praising the late King for his Mercy and Compassion to his Enemies, I began to suspect my Eyes, and was in hopes that he would have brought us so good news from the West, that we should speak no more of the Western Campaign ; and that the Numbers that were said to be executed there, were only in Effigie ; and that he had the very persons to produce sound and in good health ; without I could have done this, I should not have mentioned the other, especially if I had been of the Author's opinion, that he was Master of so many other good qualities. I should think that the using this had been enough to make people suspect the rest of the Character ; for if that had been true, there had been no need to add this so notoriously otherwise. I have read the History of *England*, and upon a serious reflection thereon, I believe it may be truly said, That so many of the Common people were not put to death by the Hand of Justice, and driven into Exile for all the Rebellions of these 600 years, as were served for that of *Monmouth's*, which did not last six weeks, the weaker Sex not spared. But for the Duke of *Alva's* Government of the *Netherlands*, Foreign Story could not have afforded a precedent ; but then I do not find that great Man praised for his Lenity ; in this we are an Original ; neither do I find that he was more exact in his Scrutiny, than we were at *Westminster*, where we were told that the Rebels were 6000, of which 2000 killed, and only 2000 brought

brought to Justice, the other 2000 our Grand-Jury were directed to find out; and yet, after all this, some people will brag of this Man's *forgiving Nature, the sobriety of his Life, and discountenancing Debauchery*, may be true as to excessive Drinking; but the placing his spurious Issue in the highest degree of Honour, is no great discouragement to the other sort of Debauchery. For his *Affiduity in his Councils and Treasury*, and the rest of that Paragraph, as it is needless to examine them; so certainly the truth of them is no proof that the late King intended the happiness of his Subjects in general.

The next Paragraph asserts, " That it was the late King's opinion that Liberty of Conscience would be grateful to a great many of his Subjects, and would invite Forreigners to fix their Habitations amongst us, to our great advantage; that it was the best expedient to bring us to a brotherly Love, and to prevent the Calamities that beset this Kingdom in his Father's time; and that he had this Notion still fixed in him, with a design to signalize his Reign thereby.

In opposition to which, I will endeavour to shew that the late King had no such glorious aim, and that thereby he only intended to subvert the established Religion of these Kingdoms: which will plainly appear, if we consider, first, how different such a method is to the fundamental principles of his Religion, as well as the practise of all Ages; those that believe there is no Salvation out of the Church, which is only one, and that theirs, if they have any Bowels of Compassion or Charity, will endeavour the enlarging the pale of that Church. And then that Hereticks are to be extirpated upon the penalty of having their Territories given away to others, where this duty is neglected, is as essential a part of his Religion as General Councils can make it; therefore it were an injury to his Charity and Piety to suspect he would not use his power so as became a zealous and submissive Son of the Church; and what could be a greater brand to the sincerity of his Religion, than decreeing counter to infallible Councils; it were as easie reconciling Toleration to Infallibility, as such actions with being a good Catholick, unless they were sanctified with a good intention, and done for the good of the Church; but to say he did not understand so much of the *Arcana* of his Religion, cannot be supposed without saying he understood nothing of it; and though he did



did not, it cannot be doubted but he would have been told of his duty by some Monitory Briefs from Rome. *St. Peter's* Successor used to be so kind to Princes, as to lay before them the guilt and danger of actions less favourable to Hereticks, and to call upon them to avoid both, by executing the Decrees of the Church against them, if it be said that the *Roman* Church, at least the Guides of it, approved what King *James* did in this matter; and that, to preserve his Conscience, the Decrees of the Councils were suspended as to him: I do verily believe it, and think that it follows from thence, that they knew what hook lay under that gilded bait; otherwise I know not how the same persons could approve of the *French* King's Edict of *October* --85, annulling the perpetual and irrevocable Edict of *Nantes*, and the barbarous manner of the execution of it; and the late King's Declaration in --87, giving a general Liberty of Conscience; two Decrees that concur only in one thing; that they are both against the Laws of their several Lands. In my opinion this would look so like an affront to that mighty Monarch's Conduct, that unless he were likewise privy to the plot, his Resentment would not be satisfied with less than a solemn Renunciation, and taking new measures, now he has the late King so much at his devotion. And I doubt not, if this proceeding had displeased him; but in his late Confess with the Pope, we should have heard him upbraiding his Holiness with this kindness to Hereticks; but since neither of these have followed, and that neither the King of *France* nor the Pope is offended at our Indulgence, we may lawfully conclude there was little kindness thereby Intended to us.

Secondly, *If this Notion had been still fixed in the late King; and had he always been of opinion, that none ought to be oppressed and persecuted for matters of Religion, he would still have acted consonant to this principle; which that he did not do, is plain from his concurring with and promoting the enacting of the severest Laws against Dissenters in his Brother's time, and also from his first Act of Government, the rigorous imposing the Test of Scotland, when he represented his Brother there; and, lastly, from the severe prosecution of the Dissenters in the beginning of his own Reign in all his Kingdoms, and as to Scotland the 8th of May --85, he passed an Act of Parliament there, making it Death to preach, or be present at an House or Field-Conventicle; which severity* would



would certainly have lasted to the end, could he have brought the Church of England to have complied with his unreasonable Desires, in relation to the Test. And if we look into his Letter which carried the first Indulgence to Scotland, and into the Proclamation itself, we shall find several Restrictions that do not seem to flow from that principle: He thereby recommends the *raising out of the Field-Commissioners with all the Severities of the Law, and the most vigorous prosecution of his Forces*: And then, except the Papists, only the Quakers, and the moderate Presbyterians were tolerated; which either were so few, or by a Court-interpretation might have been declared so, that had the matter gone smoothly with the Papists, it might easily have been rendered useless to all but themselves; and surely no other Reason could be given for restraining them from *using their Barns or Out-Houses, or building Meeting-Houses*; a Quaker's Conscience knew no difference between a Barn, Church, or Meeting-House, where-ever the Spirit moved, he must hold forth, notwithstanding the Restrictions of the Proclamation.

Thirdly, If the easing scrupulous Consciences had been the late King's only Aim, he would have been contented with the Repeal of the Penal Laws, and not have insisted so much for the Repeal of the Test-Acts also; nothing therein being any restraint on any Dissenter's Worship; unless they believed God would not hear their Prayers, unless they were in Scarlet, or in an Alderman's Gown. And he was so fond of his Design of Repealing the Test-Acts, that tho' he found how averse the generality of the Nation were thereto; tho' he found by Pensionary Paget's Letter, what was the Pleasure and Pains of Orange's Opinion in the matter, how they did agree with him in the Repeal of the Penal Laws, but not of the Test-Acts; because those Acts had no other tendency but the Security of the Established Religion; and keeping the Papists from the means of overturning it; with other plain and solid Reasons; yet he still persisted in his Design, and was no ways satisfied with the Distinction made of the Test from the Penal Laws; as appears by Mr. Sturges's Letter of October the Nineteenth, 1687.

From hence I think it appears more clearly than from the mouth of many Witnesses, that the late King's main Design was to get the Papists into Both Houses of Parliament, where new Creatures could have made a majority in the House of Peers, and a House of Commons might as easily have been made Popish by force or fraud,

In

In the Elections or Returns; to facilitate which, we wanted neither Straits nor Regulations; and then how easy had it been for them to enact Laws to destroy our Religion, we having before-hand Repealed all those made for its preservation. And to those that require a Witness, we have *Coleman* telling us, That a general Liberty of Conscience is the best way to introduce Popery, and the greatest blow to the Protestant Religion here, that ever it received since its birth; that King *Charles's* Revocation of his Declaration for Liberty of Conscience, was an injury to the Papists and their Designs: And why should we not rather believe him than the Author; especially since we know that it is an old Maxim of the Society. And further, it is not to be imagined that *Coleman* and his Considerates, would have been so zealous in their time, in promoting Liberty of Conscience, and with the assistance of *France*, barely for the Ease of the Nation. The whole Kingdom was lately so sensible of this, and so plainly saw whether this Project tended, that the Dissenters, tho' they had not forgotten the smart of the Penal Laws, at least the Men of Reason amongst them, desired their continuance, rather than by Repealing them, as demanded, to run the hazard of losing the Protestant Religion; after which, surely, we need produce no further proof to this point.

Our Author next tells us, how much the late King *hated Hypocrisie, and that he looked upon it as the most detestable Vice*: In answer to which, I shall only say, that if he was a Papist so early as most people believe, he dissimled many Years with God and Man, if attending at the Prayers of our Church, and receiving the Sacrament there, he so in a Papist. I know not how to evade this, but by saying he abstained from both as soon as he was a Papist. But if this take off one Objection, it lays him open to another as ill, viz. In so silently parting with his Religion, as not to call to one of our many Clergy-men, that were at hand, for help: This shews he had but little value for the Old, and if so, I should suspect he had not all the Zeal for the New that he pretended: but this, as it is in the dark, so there let it remain, until the Secrets of all Hearts are opened.

But there is another thing looks very like Hypocrisie, and a dissimbling his Religion; when the whole Nation seemed satisfied what it was, and that is, prosecuting people by Actions of *Scandalum Magnatum*, and Indictments for calling him a Papist: many Instances

Instances whereof might be given in both Kingdoms, this was certainly as much below the Honour of a Gentleman, as the Sincerity of a Christian.

But not to enlarge hereon, our Author in pag. 4 tells us, That the late King chose the easiest Methods, and used all the caution and moderation imaginable to effect his Design; which he calls only, *The making of all Parties live easy under his Government*: And tells us the Opinion of some Lawyers, and the Judgment he had to support his Dispensing Power, opened the Door for the admission of both kind of Dissenters to Places of Trust, Military and Civil; but that he made but little use of it, till necessity compelled him to it.

In answer to which I must say, That the Methods the late King took to procure the Repeal of the Penal Laws and Test, were not only mean, if going round a great part of the Nation to sollicite Votes, or closteting to that end were so, but also violent; if displacing all Men from their Offices and Employments, that would not promise to consent to the Repeal; say, they must go further to secure their Places, and promise to be aiding and assisting thereunto; were not the changes of Corporations as violent as scandalous. Lastly, The universal inquiry how Men designed to Vote, if Elected Parliament-men, and what sort of Members they designed to chuse, was not only unusual, and without precedent, but took away and destroyed the very Essence of an English Parliament, freedom both of Choice and Debate.

But now as to the instance by which our Author proves the late King's moderation in the matter; which is, That having consulted the Judges, and others Learned in the Law, and finding them not only ready to countenance the Undertaking, but assuring him he had a Power of Dispensing with the Penalties of these Statutes, he might therefore lawfully exercise that Power, so confidently declared in him. To this I say, that tho' it should be granted, that such a Dispensing Power had been vested in him, yet it cannot be denyed, but that it was accompanied with a Trust, not to make use thereof but for the Good of his People; and it can never be made out, that what he did was so, so long as the preservation of the Protestant Religion is the great Interest of the Nation.

This Answer supposes the King acting according to Law, but if we take the Case as it really was, we shall find that the Long Robe did not make the King of their pretended Opinion, but that

he made them of his; which is plain by the many Removes he made on the Benches before he could get a Sett for his purpose; and then the famous Judgment so much insisted on, was such a piece of pageantry, as was never acted in Westminster-Hall: The Judges may deny, as they do, that they knew who was Plaintiff, or that he wore the Defendant's Livery; or that the Defendant, or *Graham* paid the Fees of both sides; but herein their luck was very bad, to be ignorant of what law of the Nation were. But supposing this, the dispatch they made was very extraordinary, for it was obvious to all Men of Sense, as well as Law, that the Case was of some consequence, and deserved more than a short Vacatibns Consideration, and more Arguments than one; and if, what a late Author tells us be true, (and one that had any regard to his Credit, could scarce publish a Lye in so notorious a matter, and so easy to be disproved) the Court denied to hear Mr. *Waller* argue the Case; for which Sir *Edward Herbert* makes no excuse in his Book; neither could he, if it be true: But what further clears the matter beyond all dispute, is, that in delivering the Judgment, they carried the matter further than the necessity of the Case before them required; which amongst Lawyers always lessens the Authority of such Resolutions: but I forbear entering on the Legal part of this Controversie, because it has already been done, and is not within the Task I have undertaken.

The rest of this Page is taken up in magnifying the late King's kindness to the Church of England, in assuring them all their Rights, and the sole Enjoyment of their Dignities, Offices, and Benefices to be belonging; and that no Person were presented to any Ecclesiastical Dignities, belonging to the Hierarchy, but Members of the Church.

Something has been already said of the kindness designed for the Church in general, and more shall be said when we consider the Author's Objections; in the mean time it is sufficient to say, we have heard of the Reproaches thrown by him on the Church, where in one of his kind fits to *Alston*, he threatened, Ours should be the last Church to which he would turn: And that we know not whether *Sam. Oxon*, or his Brother of *Chester* should be accounted of our Church; but if they were, we know no difference between imposing such Men, and professed Papists on us. That we look upon the Preferments in our Universities, to be of great concern to our Church; yet there we find *Obadiah Walker* a great

Ruler,

Ruler, and a whole swarm at *Magdalen-Colledge*; if these were not Ecclesiastical Preferments, what had our late Ecclesiastical Commissioners to do with them, though they deprived the Fellows of Visitation, yet sure their incapacitating Decree was by virtue of their Ecclesiastical Supremacy?

Next we find our Author giving some Instances of the late King's withdrawing his Protection from the Church of England, which he modestly calls one Objection, instead of many: For the clearing whereof, he tells us, *That as soon as the King published his Declaration for Indulgence, there presently began a great ferment in the Nation; and that the Roman Catholics finding the Church of England instituted against them, he means unwilling to submit to the Romish Yoke, which our Forefathers were not able to bear, they fell a cursing the Dissenters, vainly supposing them the most powerful Interest of the Nation.*

All that I shall observe from hence is, That this procedure exactly follows their old measures in keeping up the Divisions amongst Protestants; they had not forgotten the Old saying, *Divide et impera*. But I have not seen the end of keeping up these differences, so plainly owned by any of the Party, as by our Author, who says plainly, That when the Church of England would not serve their turn, they joyned with the Dissenters, in confidence, that in conjunction with them they had the most powerful interest of the Nation, which I always looked upon as the true reason of the Indulgence; when I reflected on the time when we were blessed with it, it was then that the generality of the Dissenters were better satisfied with the Church than ever they had been; they were then silly satisfied the Church had no inclination or warping towards Popery; so that it was really timed so as to blast the fair hopes we had of a perfect Union amongst our selves. From hence let us learn how to regard such as promote the old, or any new difference amongst us; for let the Pretensions be never so plausible, the Design is to weaken us by dividing us; which hopes are not quite dead in the Author, as we may imagine by his attributing all that was done against any Member of the Church of England to their struggle with the Dissenter: I am confident the Bishop of London and the Fellows of *Magdalen* know where to place it better, viz. to their struggle with the *Papists*; which is plain, if we consider the time when these things happened; the



Bishop of London's Persecution began the 14th of July - 86, that being the Date of the King's Letter to him, and his first Appearance was on the 4th of August following, and the King's Declaration for Liberty of Conscience was not until the 4th of April after; so that it is impossible to ascribe what was done to this Member of the Church to any struggle with the Dissenter, occasioned by the Declaration of Liberty; and how the business of *Magdalen* should be attributed to that, I cannot see; when the Letter in behalf of *Farmer* bore date the day after the Indulgence, it was of a mighty force, if it could set the Nation so soon in a ferment, as the Author says it did; and *Alban Francis's* Letter bore date the 7th of March, before the Indulgence, on which Dr. *Pease* was deprived; so that our Author must either mean that these were no Members of the Church of *England*; or what is as ridiculous, that there was nothing done against them; or his Proposition is false, that the Dissenters struggle for Mastery, occasioned what was so done; It were but a small improvement of this Observation, to shew that our Author broaches this Doctrine with the same design now, when prudent and pious Endeavours are using to remove all stumbling-blocks out of the Dissenter's way, in coming to our Churches; which I hope will meet with the wished-for success, notwithstanding all the endeavours of *Rome* and *Hell* to the contrary.

Next our Author goes to demonstrate, That the overthrow of the Church of *England*, or especially of *Protestantism*, was never designed; and this he thinks he does by the King's so often declaring the contrary, and by the sense he and his *Juncto* had, that their Converts were but few, and by the late King's granting a safe retreat and liberal contribution to the French Protestants, and by the poverty of the Papists in his Army.

To which I say, that from all these it does not follow that the destruction of the Church was not designed; for unless the King's Word were like the Laws of the *Medes* and *Persians*, unalterable, it will be but a loose Consequence, the King promised not to do it, therefore he will not: It concludes much stronger, the Principles of his Religion oblige him to it, therefore he will endeavour it. When this Argument was used, soon after the Gracious assurance given us at the first Council, or first Session of Parliament, where the same was again repeated; it had too much colour of an Argu-



Argument, that it deceived many, especially when there was intimated to it, That these promises and assurances came from a Prince that valued his word so much as never to have broken it. But now that we have seen him break through Laws that he had sworn, as well as promised to maintain, the very pretence to an Argument is vanishes; for as there is more Injustice, so there is more of Dishonour in the one than the other.

When we examine his other instances, they will prove as inconclusive; for he could not deny a retreat to the fugitive Hugonots, without alarming his own Subjects, and discovering his Designs too plainly to the most short-sighted; and they were not then ripe for such a discovery. After such an action, who would have believed him that it was his Opinion, *That Conscience might be forced*? If he had endeavoured either by fair or foul means to have preserved the Edict of *Nantes*, to have supported that most distressed part of Mankind from their King's Barbarities, as Queen *Elizabeth* did, and his Father attempted, it would have been a better proof of his love for Liberty of Conscience, than either his Declarations or a small Charity afforded to a few fugitives; which I must call but small, when I consider what the Elector of *Brandenburgh* did for those poor people; that great Man not only afforded them a safe retreat when they came into his Dominions, but by a solemn Declaration invited them to take shelter there; and to assist them in their Journey, appointed his several Agents in *Holland*, *Hamburg*, *Frankfort* and *Colage* to furnish all such of them as should desire it, with what Vessels and Provisions they should stand in need of, for the Transportation of themselves, their Goods and Families, to whatsoever Town in his Dominions they should pitch upon for the place of their abode: But his kindness did not rest here, for he provided Houses and Lands for them and their Heirs; and where it was necessary, he provided them all Materials for Repair and Building; where Houses were built on new Foundations, they had Ten years Exemption from all Taxes and Duties, and Six years where they were only repaired: And for a further encouragement, he made them Free of all his Towns and Corporations, without paying any thing for the same; and lest they might be oppressed, he set over them a Jurisdiction, composed of persons chosen by themselves; and if any difference happened between them and a German, this person

was

was to joyn with the Magistrate in choosing the same, and maintained one of their own Ministers for them in every Town, with several other great favours. If King *James* had taken this course, our Author might have insisted on it, at least as an heretick Act; but since he did not let out a Fleet, or so much as one single Ship to assist those poor people in their flight, and when with difficulty they had gotten here, he left them to their miserie and the charity of the Nation. I do not see what he could have done less, especially if we consider one discouragement that went along with it. It is true, he fostered them to breathe of his Air, but would not suffer them to sigh or complain of the usage they had met with in *France*; but at the instance of the *French* Ambassador, ordered the Account they had written thereof to be burnt by the hand of the Hangman, which was accordingly done the fifth of May 85, and the *Royal Exchange* was made the place of Execution, that the account thereof might fly the easier over *France* by our Merchant's Letters to their Correspondents there; which as it proved a discouragement to those in *France* not to take sanctuary here, so it so much frightened those that were then here, that many of them thereupon removed to the *West-Indies* and other places, where the *French* King's Ministers had not so much power, being justly jealous that that power might soon be improved to a forcing them back. But since our Author lays so much stress on this Act, if we examine the matter a little further, we shall find these poor people owe the completing of their misery to the late King: For though the *Prince* began to oppress his Protestant Subjects some years ago, which from time to time encreased, as his Interest did at our Court; yet he never ventured on the total suppression of the Reformed Religion, nor revoked the Edict of *Nantes* until October 85, that the late King was on the Throne, for as much his friend as King *Charles* was; yet he did not know how far a Parliament might have influenced him to relent that matter, therefore he forbore it until all was shre on this side the Water.

Next, as to the Number of Papists in the Army; they will appear very many, if we consider two things: First, that there were fewer of them to be had in *England*, than of other Men, fit to be Souldiers; and yet their proportion was greater with respect to the Army, than to the Kingdom; otherwise there had not been above two or three in a Regiment; all that exceeded that num-

ber seems to be the effect of industry and pains, rather than chance.

Next we must remember the little time the late King had for this mighty business; he had little more than three years for the Raising his Army, which at first, to avoid offence, was to be Protestant, but a few Officers, whose Loyalty he had experienced; and having had the benefit of their Services, in the late time of need and danger, he could not expose them to disgrace, nor himself to the want of them against the next Rebellion: this is his language in--85; yet in the next three years he brought many into the Army that had helped him but little against *Moumouth*.

Here we must not forget the several ways that were taken to remedy this, and to increase their number: One was by sending the Army by parcels into *Ireland*, where, in a little time, they could be made intirely Catholic; and this was the case of *Hamilton's* Regiment of Dragoons, which came intirely Protestant into *Ireland*, except a very few Officers; and about two years and an half afterwards returned to *England* intirely Papist; though this was practised on no other part of the Army, yet we do not forget what Preparations were made in *Ireland* for changing that part of the Army we had there, upon pretence that the King might see them, though we know that the other design was in the bottom.

Another course was, the adding a few *Irish* to every Regiment: this was attempted on *Col. Beaumont's* at *Perthmouth*; and would have been further used, if the danger from *Holland* had not come suddenly upon them.

Lastly, It is to be noted that the Army in *Ireland* had in that time from Protestant been intirely made Papist, to the undoing of many young Gentlemen, who had laid out their Forunes in the purchase of Employments therein, which was but an ill return for their Zeal in the *Moumouth* Rebellion, in which time a thousand of them came into this Kingdom on a very few hours warning: And they that have seen *Teague O'Regan*, and the Tools for which these were Disbanded, must conclude that the King designed something else than having a brisk and loyal Army. From what I have said, I think I may modestly conclude, that there is but little force in any of the matters hitherto insisted on by our Author.

Now

Now he comes to Answer the Objection made by himself, which is, That his King began early to withdraw his Protection from the Church of England, in suspending the Bishop of London, by presenting two Roman Catholics to the Heads of Colleges, and by Mandates putting some of them into Fellowships, and afterwards displacing Twenty-five of Magdalen-Colledge, and filling it with Roman Catholics; lastly, by imprisoning seven Excellent Bishops.

This our Author makes but one Objection, and his Answer to the first part of it relating to the Bishop of London's Sufferings from the Ecclesiastical Commission, is but short, and supposes the Spirit of Prophecy amongst some of the Party, and is only, That it appears, *ex post facto*, that the King was too merciful to him, because he appeared early for the Prince of Orange in Counselling and Accompanying the Prince's Aunt's flight to the Lords in the North, and for setting the Crown on the new King's Head, after contributing so much to the tearing it from the Father's. Though it were true that he contributed much thereto, I dare boldly say, that his Judges the Ecclesiastical Commissioners contributed much more. But then why the Author should add the Epistle of Marston to those proceedings, I see not; if they had been such as would have prevented the pretended Crimes, they might have been called Prudent; but as they were, they had no pretence to either, or to Justice, the more indispensable requisite; our Author knew how little could be said on this Topick, and therefore wholly waved it. Afterwards will admire the prudent Conduct of that great Prelate, who did not by inadvertency lay himself more open to that malice that could make his duty a crime; and that his Enemies could not find some better pretence to quarrel with him, than his not Suspending Dr. Sharp, without citing, or hearing him in his own defence, and for a matter he was no ways guilty of, as every body must believe, since they did not think fit to prosecute him for his crime. Did the Bishop of London's contempt lessen or take off his? if not, why was not he punished? the reason certainly was, because they could not make out their Charge against him. And I must tell our Author, that the Nation was not more dissatisfied with the injury done them in the Person of this Bishop, than with the Arbitrary manner of doing it; to find such an Authority usurped and executed, not only against Law, but the very Forms thereof, was a terrible blow not only to the Spiritual concern, but

to the Civil Right of the Nation; for the same reason that justified this Court, might have set up another Court of Star-Chamber, and therein Men might as legally have been punished for disobeying the King's Temporal Commands; such as refusing to lend Money, or to concur in the Repeal of the Test; then the suddenness of the blow was a new aggravation; no more was to be done but to ask a question, and then read a Sentence of Condemnation; though in the Bishop's Case they were pleased to hear his Civilians, (though not the Common Lawyers against the Jurisdiction of the Court;) yet what they said seemed so little to the purpose, that it did not so much as require an Answer. As prepared as the Judges were in Sir Edward Hale's Case, yet they kept to the formality of hearing of Counsel of both sides; but this being a new Court, it was fit that it should have as new a Method of proceeding, and as much unknown in this Kingdom as it self.

His Answer to the business of St. Mary Magdalen-Colledge is one of the most unconcluding Paragraphs of this Book; He blames Mr. Walker's Zeal, Lord Sunderland's want of Pledge, and the Roman Catholicks want of Wit; in which particulars there shall be no difference between us; the rest he says is, *That the rigor used against these Gentlemen was occasioned by their stiff opposition to the King, who said with seriousness to one of his acquaintance, That if the Fellows had not proceeded to Election, but suspended that until the Qualification of Mr. Farmer had been enquired into, he would either have left them to their choice, or recommended some other as soon as he had been satisfied of the unfitness of Mr. Farmer; and that if the Fellows had admitted the Bishop, asked the King's pardon, and acknowledged themselves wanting in their duty, there had not been above two of them removed, which is only a soft word for Expelled; and that it is apparent that it was from after Counsel, upon the emergency that Roman Catholicks were substituted in their place.*

In answer to which, I say there is but little coherence in the discourse he makes for the King; he represents him angry; that the Fellows went to an Election until Mr. Farmer's qualifications were enquired into; their delaying in order to know his pleasure to the utmost time limited by their Statutes, to which they were sworn was no excuse; the reason whereof, tho' another be pretended, was, That if they had neglected their Oath in that particular,



they could never afterwards have insisted on the Obligation thereof in opposition to his Will; If they had, he that would restrain them for not reading Mass, would never have missed to have an Instance. But then, what was the need of enquiring into *Farners* qualifications? without any, the King knew he wanted the chief one requisite, the established Religion, yet that did not hinder his recommending of him; but then if they had stayed, where was the mighty favour in easing them of *Farners*, and imposing the Bishop on them, both were equally contrary to their Statutes and Oaths? Our Author must excuse me if I cannot take his word for what he says. In the last place, what, had Mr. *Walker's* Zeal no aim, but the good of the Protestant Religion? and was not *Farners* well qualified for the promoting thereof? was it King *James's* love to Protestants made him disgust the whole Protestant part of the Nation? there are some things carry their own evidence with them, and few with greater clearness than this: For if the King had not designed this Colledge to the *Roman Catholics*, from the beginning of the Controverſie, he might have given it to his new friends; and this had been a greater proof of his real kindness for them than his famed Indulgence. The last thing that I shall observe in this matter is, That our Author ought not only to have cleared the King and his Commissioners's Jurisdiction in the case, but also have justified their manner of proceeding; and should have shewed us how *Dr. Hough* could justly be deprived, without calling him to answer for himself; surely those Commissioners had this in their head when they rejected the Bishop of London's Plea, that he could not suspend *Dr. Sharp* without calling him to answer; It was ill done of him that he would not set them a precedent how they might deal with such as they feared might be too hard for them; and upon what Law or Reason they founded that cruel Sentence, rendering them incapable of any Ecclesiastical Benefice, Promotion, or Holy Orders, I do not see; The Reformed Church could afford them no precedent for this; and I question whether the *Roman* Cruelty ever came up to it. But of all this there is not a word of excuse, the reason may be easily guessed.

Our Author comes next to the business of the Seven Bishops; and what he says on this Head, is as lame as what he said on the former: First he pretends that the sole design of having the Declara-



then read in the Churches was, *That all might be assured of the grounds of it.* But surely reading it in a Coffee-house, a Market-house, or in any other place, had done that as well, as was truly observed by the Author of the Clergy-man's Letter; the substance whereof might properly be inserted here, but I rather chuse to refer my Reader thereto.

He next quarrels at some indecent circumstances of their Actions: the first he mentions is, *That the King was not acquainted with their design, to be excused, until the Friday night before it was to be published in the Churches of London.* This is otherwise, if we will believe the King, who at the delivery of the Petition to him, told them he had heard of their design before, but could not believe it: How could the Bishops help that? they then undeceived him: *This, he says, was excused by waiting for a Welsh Bishop:* But, by his favour, I have another excuse; which is, That the King appointed the Reading of the Declaration so soon after the Order for that purpose, that the Clergy had too little time allowed them to consider of so great a matter; the Order of Council for Reading the Declaration bore date the 4th of May, and was published in the Gazette the 7th, and directed the Declaration to be Read in London on the 20th; so that the Bishops were but Ten days consulting: If they had taken less time, the Act would have been censured as rash, and that they had not well considered of it: but if the King had not long enough time to deliberate on the matter, or to have signified his pleasure therein to the City before Sunday, yet surely he might have been content with the sinful compliance of those that did Read it the first Sunday, and had time enough to signify his pleasure before the second Sunday it was appointed to be Read in the City: or before the third of June, that it was appointed to be Read in the Countrey: and he might afterwards have taken what time he pleased to have considered how to deal with those that did not Read it.

He next says, *That they put the proof on the King, that they delivered their Petition, knowing that none were then present but themselves, and insisted thereon, until by the Command of the Archbishop it was owned.* Those that will look into their Trial, will see what reason they had for so doing; and will be able to judge, whether it was generous in the King to make evidence of what passed at the Board; which passage we shall now mis-represented by the Au-

thor, if we look into *Page 91.* of the Bishops Trial, where Mr. *Mayer* on his Oath gives an account of what passed there: He says, That when the Paper was read, they were asked if they owned it? or if it was their Hands? That the Archbishop, in the Name of the rest, declined, answering, Upon the account they were there as Criminals, and not obliged to say any thing to their own prejudice, or that might hurt them thereafter: But if his Majesty would command them; and if he would promise no advantage should be made of what they confessed, then they would answer the question: His Majesty said, He would do nothing but according to Law; that then they were ordered to with-draw: and being called in again, they were asked the same question; and then the Archbishop answered, We will rely upon your Majesty; and then they did own their Hands. Now if silence be giving consent, the King consented, or made them believe he consented to their just request; so that this Debate was only as to their Hands being to the Petition, nothing said of the Delivery: All the Witnesses the King's Counsel produced could not say that ever any question was asked them about the Delivery, or that they either confessed or denied that; and at last they were forced to own that there was no positive proof thereof either by confession or otherwise, and went about to supply this with circumstances: If the Chancellor had thought how material this question would have been upon the Trial, he would not have omitted the asking of it, and would have gotten an answer under the same trust with the former. This being the state of that matter, I appeal to all Men that understand the difference between denying and not owning their Hands, Whether there was any Ill in this part of that Transaction?

Our Author next says, That the Law of the Land, the benefit of *Pierage*, and the Bishop's insisting *abscon*, was a surprise to the King and Council, and put them upon some difficulty; and that there was no expedient to be found, but either to acquit or commit them. This seems strange, and is not only a reflection on the Lawyers of the Board, but on those learned Gentlemen that were attending; for surely none of the four were so ignorant; they could have told the King, you may and ought to dismiss them for this time, with a Reprimand; and acquaint them, that as soon as the Term comes, which was not far off, an Information should be exhibited against them.

them for their Seditious Libel, and that if they did not appear to answer the same, Process would issue against them: Those that had been Chief Justices of that Court, and the King's Council knew this very well; but that did not answer their ends, they were in haste, and by this method the Term might have been spent without any Tryal: And what is more, they would not have known how to have avoided the Archbishop's Presence to the affair they were to have in hand soon: this looks so like their Politicks, that it finds greater belief than any positive proof we have for it deserves.

The next Assertion is, That the Bishop's Tryal was managed favourably, and that over-sights were committed in the want of proof, and suffering the dispensing Power to be so fully argued: These were certainly over-sights, but they were such as were not to be remedied by any diligence, and should have been considered before the Prosecution was resolved on; for it was obvious to the meanest capacity, that the Bishops would make that defence; but their rage blinded them in more particulars than our Author mentions, else they had never forgotten that the Archbishop was not at White-hall, or that he had not done any Act in the County where they laid their Venue. I formerly mentioned their want of proof of the publishing; and I might here add those other ingredients of a Libel, Falshy and Malice: had they not been transported with Rage, or something more extravagant, could they hope that twelve English-men would believe it unlawful to Petition the King; had not their former success with James been great, they would never have attempted so extravagant a thing.

With what patience the late King endured the rejoicing at the Bishop's acquittal, I know not; but it would seem by the Proceedings of his Ecclesiastical Commissioners, and their Order of the 12th of July to all the Chancellors of the Kingdom to return them the Names of all such of our Clergy as did not Read the King's Declaration on the 16th day of August following, that he was not resolved to let the matter end so; and though the Jury had acquit them, he had a Set of Commissioners that knew better the sin of disobeying his Majesty's Commands; and if destruction had not come suddenly upon them, it is not to be imagined what Examples we should have had of his fury; if we compare according to the *Durham* pattern, we should have had at least

Five thousand suspended Millners in the Kingdom, which does many times exceed the Numbers that were deprived either on King Edward or Queen Elizabeth's Reformation.

And then as to the King's Justice in the matter, of which our Author says *none have reason to complain*, it was making a Petition a Libel, and the delivery of it to himself in his Bed-chamber or Closet a Publishing of it; and surely there was as little Justice or Clemency in the last part of the Tragedy, to displace the Judges for Allicharging their Consciences, and declaring the Law to be as really it was, was so arbitrary, that the Great Lords could have done no more if his Commands had been contradicted; and to do that so suddenly after the Tryal, and to supersede them before they had finished the Circuits to which they had been appointed, did so much proceed in his rage, that few people will be persuaded that he would patiently have endured the Murza's our Author speaks of, if he had known how to help it.

He supposes *we will lay no great stress upon the King's placing some Roman Catholics in Colleges, it being known that the Kings of England have in all Ages disposed with Qualifications required by the University-Statutes, especially since the Judgment for the Dispensing Power.*

How this Judgment comes to be urged here, I do not see, unless it be, because the word *Dispence* is used in both; for that Judgment, as extravagant as it was, had no influence on our Universities; for that great reason. That nothing ought to hinder the King of the Life and Service of his Subjects, has no force here, unless we allow that the corrupting the Youth of the Nation was the service the King had for those Popish Emiliaries; and then that other reason, That the Laws of England are the King's Laws, does not come up to the present case, because the *Magdalen-Statutes* are also the Founder's Laws, and therefore not to be changed without his or his Successor's consent; but supposing the King had such a Power by the Law, was that the way he swore to support the Church of *England*? was not that trusting our Sheep and Lambs to the Wolf to keep? In this particular, as in all others of Honour or Profit, the Papist had the better much of the Difference, in whose favour we do not find one Mandate to the University.

These are the particulars our Author says gave *the greatest cause of clamour*; and the reason was, because they shook the Founda-

tion of our security, and vested the whole Legislature in the King: in the support of which Usurpation, he was resolved to ruin all that thwarted him, on the meanest pretences: this made his Rule odious and terrible to the Subject: Now could we recover any thing, either of Religion or Property, our own, which the doors were opened, and we were only beholden to the Jesuit's modesty for not entering and whipping us of as much of either of them as they thought fit.

Before I have done with this Head, I must desire you to take notice of our Author's modesty in reckoning the late King's injuries to the Church of England: If he had pleased he might have instanced more; as the Vice-Chancellor of Cambridge's Case, who for refusing to admit *Alban Francis* a *Benedictine Monk*, on the King's Mandate, to the degree of Master of Arts, without taking the Oaths of Allegiance and Supremacy, appointed to be taken by several Acts of Parliament, was deprived of that Office, and also suspended of office & benefice of his Mastership of *Magdalen College*, during his Majesty's pleasure. This sentence was pronounced the 9<sup>th</sup> of May 1677, and never relaxed until the General Jubilee or the Bishop's Address *October* 28. His four new Bishops, and remaining Bishopricks vacant, all that fell in his time in Ireland, and making worse use of some in England; entertaining a Nun in publicly at Court; leaving a Jesuit at Council-Table, were no great Compliments to the Church of England, nor their public Schools and Man-houses, the regulation of Corporations shewed them but little respect; with many other things of this sort that might be mentioned: I am sorry the Author's indiscretion would have forced me to give so many instances of that Man's failings: he finished *bad* all that *could be wished*, and do now leave it to you and all indifferent persons to judge, whether the Author has made out his first Proposition of King James's good Intentions.

The second Proposition laid down by our Author is, That the late King's designs were totally frustrated; but whether by ignorance or treachery, or both, is not worth while to examine. In his discourse on this Head he mentions several over-sights in the then Ministers of State; but instead of four, he should have given us many more; wherewith I will not trouble my self at present, my design being to Answer his Book, not to mend it.

I will



I will therefore hasten to the third Proposition, which is, That our condition, in respect of our Laws, Liberties, and Properties, is now worse than it was, or was like to have been under King James. In the handling whereof, our Author pretends to consider the several Grievances we laboured under in King James his time, as they are summed up in the Declaration of the 12th of February last, which filled up our vacant Throne, and that he will draw the Parallel between the late and present Times impartially. This, I must confess, is a very proper method for his design, which is all the good I can say of the undertaking. I will follow him through the several Articles as laid down, and hope plainly to demonstrate the malice and false glosses of all he says; and if that be well done, I think little more need be said in Confutation of the rest of the Book.

The first Article is, That King James did endeavour to suppress and extirpate the Protestant Religion, the Laws and Liberties of this Kingdom; the other Articles are only the means which he used to this end. In answer to which, he says, *The late King aimed at nothing but Liberty to all sorts of Dissenters, and that Roman Catholics might have their share of ease.* 2. *That few Converts were made in his time.* 3. *And that having armed his Roman Catholics in his last extremity, they did not amount to the fortieth part of his Army, nor to the 300 fighting Men in his Kingdom, therefore they could afford him small assistance.* 4. *That the Church flourished in his time, many Dissenters being then brought into its Communion.* 5. *That now the Church of England and Episcopacy is in danger, if Protestantism be not, as appears by the late Act of Toleration, wherein Turcism is not excepted, though Popery be.* 6. *That Episcopacy is abolished in Scotland, and they have a Party in the Convention here endeavouring the same thing.* 7. *That we have lost the Doctrine of our Church-Loyalty and Non-resistance.* 8. *That we have seen a total Abolition of the Laws; for we have changed the Hereditary Monarchy into an Elective one, and destroyed all Government by declaring an Original Power in the People.* This, with some scandalous and unjust Reflections on his present Majesty, to which I will not give so much countenance as an Answer. Is the substance of what he says on the first Article, which for Method's sake I have sub-divided into eight Particulars, to each of which I will propose some Considerations, except to the first; of which I have said so much already, that it is needless to say more.

But



But that if the late King had been, as our Author says, Master of the Wisdom, we could have wished him, he would never have done so many mean, harsh, and superstitious things for no purpose, whatsoever, unless it were to hinder what our Author says he only designed. From hence I think we may strongly conclude, that he designed more than *Ease* for *Roman* Dissenters.

To the second, no body would have said that few Converts were made in his time, that did not wish them more: Was there any Order of Men amongst us free? Some of the Nobility in all the three Kingdoms; some of our Clergy, Lawyers, Souldiers, and of all other ranks had actually declared; and it is too much to be feared, that many waited only for the Repeal of the Penal Laws, though they cared not for their Souls, nor stood in awe of Damnation; yet they dreaded the Statute against being reconciled: But then if their Numbers were but small, the fault was not the King's, for he made the full use of the Arguments in his Power, discountenancing the stedfast, and rewarding those that came over to him; the Great Seals of two of the Three Kingdoms were in such hands, and surely *England* will not brag much of their Protestant Chancellor; to go to Mass was the certain way to Preferment, as might be instanced in many particulars; and we cannot forget what took the Treasurer's Staff from the Earl of Rochester.

To the third, That the Papists of *England* are not the 300th fighting Man, I will not dispute; but that they were not the 40th Man of the late Army, is certainly false; if he had told us in plain English, that there was but one or two of them in a Company, all persons that had been conversant in the places where they were Quarter'd, would have known the contrary; therefore he chose other words, and yet says the same thing; which is plain, when we consider that our Companies consisted of about 50 Men; but for easiness of computation, we will allow them to be 60, which by our Author's proportion is only three Papists to two Companies. I might here mind our Author, that the *Irish* Army was Papist, which, multiplied by 40, had made an Army big enough for the Great *Mogull*: But I will yield that our Author did not include the *Irish* Army, when he made the 40th Man the proportion of Papist; and yet they ought not to be forgotten, when we are speaking of King *James's* Popish Forces: But his Expression being, *That the Papists armed in his last extremity, were not the 40th*

*part of his Army.* The Party that came from *Ireland* in *October--88*, must be included, or he was not then or afterwards in extremity. Now supposing no Papists in his Army before, and that Party being at least 3000 by the Author's Rule of proportion, his Army ought to have consisted of 120000 Men; but his Army was not so great, and the Papists of it more; so that another estimate of them must be taken; if we throw away the cypher, and read a 4th, instead of a 40th part, I believe we shall be nearer the matter. But since that and a much greater force was not sufficient to enslave this Nation, we must conclude he had other Tools, Foreign or Domestick, to carry on the Cause.

To the fourth, That the Church flourished in the late King's time; if our Author means that we had many good and learned Men then in it, I must grant it; but then it must be granted to me, that he thought them too many, and endeavoured to make them fewer both by tearing so great a Limb as *Magdalen* from the University, and shutting Twenty-seven of them out of the Church by the cruel Decree of the 18th of *October--87*. And how little he regarded those good Men that helped our Church to flourish, may be seen by the Worthies he preferred to the Sees of *Oxford* and *Chester*, and his preferring *Farmer* to Dr. *Hough*; that he did this out of kindness to the Church, our Author dare not say; but he may tell me, and that truly, that in the See of *Bristol* it was otherwise, and that therefore the King did not always design a scandal or injury to the Church by those he preferred in it; I have too great a veneration for the Christian Courage and Sufferings of that Bishop, not to make him an Exception out of that Rule: But then we must remember, he was preferred before his Fears of opposition from the Nation were quit off him; and if we consider how many of the Lay-Protestants, preferred by him in the beginning of his Reign, were afterwards displaced, and his after-carriage to that Bishop, we may conclude that his High Commission would soon have rectified that mistake, by a Deprivation, if his fault was any thing greater than not Suspending Dr. *Sharp*, or as great as the Bishop of *Dunkell's* giving his Vote in Parliament against the Repeal of the Test, had it not received an unexpected dissolution: But notwithstanding all his Suspensions, Deprivations, Imprisonments, and other favours to our Clergy, our Author tells us, that many of the Dissenters were brought into the Communion of the Church by the unanswerable Writings of that time against Popery;

Popery; that these should influence them more than those learned ones, set out a little before for their Conviction, shews that the terrour of Popery wanted not its force in perswading them to that prudent Conduct. But how to draw an Argument from hence in praise of the late King, or his Times, I see not; unless those straying Sheep were brought back to the Fold by the diligence of his Shepherds: Was any of those Pieces written by *Sa. Oxon*? or did the famous *Rippon's* Sermon contribute thereunto? Not so much, I dare say, as it did to the Preacher's Bishoprick. I must confess the Reasons for Abrogating the Test, *Mr. Selater's* and *Obediah's* Pieces contributed thereunto, but it was by setting ingenious Men to write Answers to them. Before I close this Section, I must again put you in mind of what I formerly hinted to you; That the Indulgence coming at the nick of time, when things were healing very fast; and when the great Scare-crow, the approaches of our Church to Popery, was experimentally confuted, it looks as if some-body designed to widen our Breaches, and to disappoint the Church of that satisfaction, which was not more earnestly desired by us, than dreaded by them.

As to the fifth, in which our Author tells us, That the Church of *England* is in danger, and pretends to prove it by the late Act of Toleration: I say, first, that the late King's being larger, must have endangered it more; if the Act let in Turcism, as our Author falsely suggests, it keeps out Idolatry, and at once frees us from God's Judgments due to that crying Sin, and in a great measure from Popish Contrivances; for now the Jesuits must work in the dark, as they did formerly; which as it much retards their designs, so it occasions many mistakes to the frequent frustrating thereof; the Act requires the professing of Faith in Father, Son, and Holy Ghost, and thereby excludes Mahometism, which the Proclamation does not.

Next, I say, it is pretty strange to find one that has said so much for Liberty of Conscience, and a Proclamation granting it, making the Act for Toleration dangerous: Is it not lawful for their present Majesties to Signalize their Reign on the same Principle our Author pretends King *James* designed? Or is the present Liberty the worse, or more dangerous to Church or State, because it comes as it ought to do, in a regular and legal way, from the Legislative Power? Is it the worse, because it does not alter the

Constitution of our Government ? Had it been the less hurtful, if, like the late King's, it had placed the Royal Will and Pleasure above our Laws ? Does the King, in the present Toleration, claim an Absolute Power, which we are bound to obey without reserve ? And does he thereby impose an Oath on us, not only to submit to that Power, but to assist and defend him in the Exercise thereof ? Since in these several particulars It has the advantage of the late King's, I doubt not but it will be more satisfactory to all people, and that the Church will receive Ease as well as Enlargement by it.

6. But Episcopacy is Abolished in *Scotland*, and from thence sprung the Covenant that destroyed it here formerly ; our Author might as well have told us it was so at *Geneva*. What has the Declaration of their Estates to do with the Government of our Church ? they do not so much as pretend to it, only declaring it a Grievance to that Kingdom : If the Author had but known how unlike the *Scotch* Bishops were to ours ; how unable they were of late to do any thing but mischief ; how little difference there is between no Episcopacy and Bishops, during pleasure, he would the less lament the loss ; but, in truth, the Abuses might have been redressed by other and easier methods ; good Laws might have restored Episcopacy to its antient Purity ; for otherwise, and by that Argument, we ought to Abolish Judges here, because they have abused their Power, being like the *Scotch* Bishops by their tenure Slaves to the Court ; though this is unreasonable, and better methods have been taken ; but if we had chosen the other course, certainly the loss would never have been less lamented than now, when we are bleeding of the Wounds they have given us. The *Scotch*, I think, should have remembered that the Protomartyr of the last Reign was one of those Tenants at Will, and that Dr. Bruce was thrust out of the Bishoprick of *Dunkell* for opposing the Repeal of the Test : These Nations ought to remember that it was he set us the glorious Example of despising the Honours and Profits of this World, when they came in competition with the Preservation of the Protestant Religion : But it is not fitting to be too positive in this matter, relating to the Church of *Scotland*, since it is uncertain what expedients his Majesty's Wisdom may find out for the satisfaction of that divided Nation. But he tells us, there is a Party in our Parliament endeavouring the same thing ;

thing ; but who told him so, he does not say ; if we judge of them by their Actions, neither the Coronation-Oath, nor the Address of the 16th of *April* last shews any thing of this ; and in the King's Answer thereunto, and in the Speech that occasioned that Address, we have his Majesty's repeated Assurances of his kindness and care of the Church ; though those were cheap in the last Reign, let us not suspect this only for that reason, but rest satisfied until, at least, one promise to us be broken.

In the seventh, our Author tells us, That though our Religion be safer now, than it was lately, yet we have lost the Doctrine of our Church-Loyalty and Non-resistance ; and for proof of it, gives us his Word, so that a bare denial were a sufficient answer. But to set the matter in a better light, I must desire you to consider that there is a great difference between Aiding our Prince to destroy or enslave his People, and the Doctrine of Non-resistance ; though I should yield that it was not lawful in *October* last forceably to resist the late King, yet certainly it was both lawful and prudent not to assist him : this is sufficiently justified by the practice of the Primitive Christians, who did nothing in defence of their persecuting Emperors whilst living, nor in revenge of their injuries after their death ; and does sufficiently excuse the Church in their late Conduct, without the Shipwrack of any of its Doctrines. Which being so full an Answer to our Author's Objection ; and seeing they were but few that took up Arms against the late King, in respect to the Nation, I will not at present insist on the Defence they make for themselves in acting only for their Laws, Rights, and Religion ; to which either they had no Right ; but if they had, they had a Right to preserve them, especially against him that had not only destroyed them, but his own Right also, if the Laws and Constitutions of the Kingdom create them, as plainly they do. But of this more anon.

In the last division of this Paragraph, our Author objects the total Abolition of our Laws, because we have changed our Hereditary Monarchy into an Elective. As if the People of England had no Laws worth regarding, but those that limit the Succession of the Crown ; if we have made some changes in that to secure the rest, surely it is no ill bargain, and is no more than the Wisdom of the Nation aimed at formerly more than once : If this had been the first time a change had been made in the Succession, I should not wonder



der that some turbulent Men should make a noise at it for want of a better pretence; but since Alterations in the Succession have been frequent in this Kingdom, why should people be more concerned at it now than formerly? I need not mention the many Breaches of the Royal Line in the *Saxon* Times, or in the time of our first *Norman* Kings; but certainly the Intails of the Crown, made in *Henry* the Eighth's time, and the Statutes authorizing them, made a greater Alteration in the Succession than is made at present, yet no body dream't that thereby our Monarchy was become Elective. Queen *Mary* and Queen *Elizabeth* successively enjoyed this Crown; but what sort of Hereditary Right it was that could serve them both, I do not see; and after both their Reigns our Monarchy continued as Hereditary as it was before, though there was a late Statute of Queen *Elizabeth*, declaring it in the Power of the Parliament to alter it, and making it Penal to deny it. The interruption that is now given to the Lineal Succession is so remote a possibility, that the persons most immediately concerned readily consented to it: The Matrimonial Crown, such as King *Philip* had in Queen *Mary*'s time, is due to the King on his Wives ascending the Throne; so that unless he out-live the Queen, who is about twelve Years younger, this terrible Alteration of the Succession ends in nothing, unless it be the Exclusion of the pretended Prince of *Wales*; which dissatisfies so few people, that his pretence is scarce worth the exposing; and were there no Objection against his being Born of the Queen, but barely this, That she did not, during the nine Months time she should have been with Child, satisfy the scruples and jealousies of all the Women ever came about her; it leaves the reality of his Birth so doubtful, that the known and received Heirs ought not to be set aside for him; the Queen and her Counsel were not ignorant what opinion the Nation had of her big Belly, neither were they so impolitick as not to know of what concern it would be to that Issue, to be of an unquestioned Birth; and we cannot suppose the Queen so much wanting in her Maternal duty and affection, though nothing had been due to her own Honour, as not to take some pains for the clearing of both; therefore we must conclude, since she did not give the World that satisfaction which any Woman with Child might easily have done, that she was not really so.

But

Bait to return to our Author : I say it looks a little suspiciously to find him so much more fond of one part of the Constitution than of the rest ; whilst he is excusing so many Violations of the Law, why should he be severe against what he calls but one, when we find him justifying the late-Dispensing Power, and yet complain of altering our Constitution ? We must conclude that he either did not understand, or not value it ; and that his concern is for something else than what he pretends ; which will be very plain, if we take but a short view of the English Constitution : And this will also be of further use in deciding the Controversie between us. The first Fundamental part of our Constitution that I shall mention is, That the Government be administered according to Law : this is a Trust inseparably annexed to the Royalty, of which the Coronation-Oath is a sufficient proof.

It is another Fundamental part of our Constitution, That those Laws by which we are to be governed be made by the King, Lords and Commons ; the Clause of the Coronation-Oath, *Quas vulgus elegerit*, proves this, taken in either of the Tenses, *of, have, or shall chuse*, besides a *præfise Time out of mind* ; which is the best proof of the Original contract.

The last part thereof that I shall mention is, That the Representatives of the Commons be legally and freely chosen, otherwise they are not the Kingdom's choice ; nor do they represent their Electors, nor carry their Assent with them to what shall be enacted.

Now if we take as short a view of the State that these essential parts of our Constitution were in, during the late Reign, we shall find them all in such disorder, that it cannot be said that we then had any more than the shadow of our old Constitution ; and since the King's Right to the Regal Estate is solely founded on these Constitutions ; if he do subvert them, he thereby determines and destroys his own Right, which is founded on them ; and does more effectually dethrone himself, than the Declaration of the 13th of February did.

Now that the late King did over-throw the whole Constitution, will appear, if we examine his Behaviour to the several parts thereof. And as to the first, we will find, That he was so far from Governing according to Law, that so soon as he thought himself out of the danger of the *Monmouth* Rebellion, by his Victory over him

him in the West, and Triumph on *Tower-hill*; and that his severe Prosecution of the remainder of that Party had secured him against all other opposition, his whole Government was a perfect opposition to the Law; after that most of the great Employments of the Nation were disposed of by him to persons by Law incapable of them: At Court we had a Secretary and Privy-Seal, Lords of the Treasury and Privy-Counsellors, with their President of that fort; in the Administration of Justice, we had Judges, Sheriffs, Justices of the Peace, with a long, &c. of unqualified persons; in the Cities our Mayors and other Magistrates were so; the Army which was wholly against Law, was made more illegal by its unqualified Officers, and the other persons whereof it consisted; the Tower in ill hands, and the very Church not free of such Vermin, the chief Government of *Ireland* given to one that designed to dismember it from this Crown: Were not our Persons imprisoned against Law? witness the Seven Bishops. Were we not diseised of our Estates against Law, and without Tryal? witness *Dr. Hough*. Were not Taxes levied on us without and against Law? witness the Custom-house Books. Were not some of us Hanged up as Criminals, without any colour of Law? at least, less than was for the Dispensing Power or Ecclesiastical Commission; so little, as could not satisfy him that was well satisfied in both the other. These are Instances of the breach of the Law, in the case of our Liberties, Lives and Properties; and that our Souls might be endangered, were not Schools and Churches opened to the Romish Clergy? Had any of their Converts the reward due to them by Law, and to keep us under these Oppressions without redress? Were not our Parliaments put off and Prorogued from time to time; and not suffered to sit at the end of three years, as the Law requires?

This was the condition of the Executive Power: And as for the Legislative, it was far worse, and wholly overthrown by the claim of an Absolute power; to which we were to submit without reserve; the Dispensing with the Ecclesiastical Laws implied a Power of Dispensing with all the rest; and the Dispensing with any one, was an Usurpation on the Legislative: For to what end should the Parliament make Laws, if they were to be of force only, during the King's pleasure? If that were so, all their costs and pains could not ensure them one Law for so long time as would be requisite for their Journey home; and as the Suspension of one

Law

Law is certainly the making of another : As for instance ; the Law imposes Twelve-pence for not coming to Church on Sunday ; the Proclamation suspending that Act, enacts that I may stay at home ; or go to a worse place, without paying any thing ; so it seems to me, that the last is the higher Power ; for to controule an Act, requires more Authority, than contributed to the first making of it, as the daily experience of our Courts shews us ; the King's-Bench controules the rest, but no Inferiour Court puts any check to the proceedings thereof. Lastly, The Kings of England never claimed nor exercised such a Power before 62 and 72, and then the Endeavours were but faint ; the Crown wished for such a Power, and afterwards, on the Remonstrance of the Commons promised it should never be drawn into Consequence, or Example. The imposing Taxes and Oaths on the Subject, was always looked upon as another branch of the Legislative Power, but both were exercised by the late King.

As to the last part mentioned, we have seen the late King corrupting the Elections by the meanest Arts, a perpetual regulation of the Corporations, until they could find a Sett of Men that would engage to chuse such persons as should be recommended by the Court, and daily displacing all persons that would not engage their Votes : But this was not all the injury done us in relation to the House of Commons ; we had Sheriffs and Mayors not qualified for their Offices, so not capable of guiding the Elections, Formerly under weak Princes, and in ill times, there has been attempts made against the Constitution of the Kingdom, but never so Universal an one, or with such success as now ; neither was it ever attempted before this Reign to pack a whole House of Commons. New Creations has done something of that sort on the Peers ; and there has been Irregularities in particular Elections, but it was never attempted before to rob us of the whole House of Commons ; at present the Crown neither claims nor aims at any of these things ; now the Law runs in its old channel ; and that it may still do so, the King has given us Judges of the ablest of their profession ; and the Chancery from a State-Court is now become a Court of Conscience ; the Crown pretends to no absolute Authority either in suspending or altering our Laws ; the King consents with his People in all Laws they have prepared for

his Royal Assent, and wishes to be no greater than the Laws of England make him: with respect to the House of Commons, he has seized on no Charters, nor used any Regulations: but the present Members of that House are the most unanimously chosen that ever any were. And now let the World judge, whether our Religion, Laws and Liberties, are not in a better condition, than in the late Reign.

Our Author tells us, that the second Article shows the ways and means King James used to effect what he was charged with in the first, which is an assuming and exercising a Power of dispensing with, and suspending Laws, and the execution of them without Act of Parliament. Our Author is so modest as not to deny this, or the fatal consequences thereof to the Kingdom, but excuses it as done by colour of the Prerogative: whereas the Prerogative is nothing but the Law of the Land, and a part of it with which the King is intrusted for the good of his People: He then tells us, That the present Parliament have made some Acts that alter the Law, and others that are new Laws: But unless he shows us that the King assumes Power to himself, the Times are not past, and that is what he promised to make appear.

Our Author in this, and in other Sections, is witty, or thinks himself so, upon our present Parliament; calling them *Self-created*; and that they have assumed God's Prerogative of creating themselves out of nothing; (as if God had done so.) For the taking off that Assertion, and clearing of that matter, I must desire you to remember that the Essential parts of an English Parliament are the Lords Spiritual and Temporal, and the Commons chosen by the several Shires and Towns of the Nation as their Representatives. Now the Convention that met at Westminster the end of January last, was composed of these; not a County, City, or Borough of England but appeared there by their Representatives; and the whole Peers did or might have appeared by themselves or Proxies; so that here was a Parliament in substance; and the Author will not pretend that any thing was wanting but the King's Writ to call them together. To which I say first, That anciently, when Parliaments met at the King's Court on fixed times, as the Feast of the Nativity, and other Feasts every year, we have no account of any Summons: because the Time and Place of meeting being known, that



that was needless. But these Times are so dark, that I will not insist much on this, nor on the Election of our Kings in the Saxon Times, which was done by an Assembly convened certainly without the King's Writ, or any Authority from one.

I confess that in the ordinary Administration of Affairs, the King's Writ is requisite to bring the Nation to a great Council: But this is not required so much for any Authority derived from thence, as to keep up an agreement and harmony in the Government; if this were otherwise, all Members could sit in the House of Commons that have such a Writ authorizing their Election; which not so, especially in long-liv'd Parliaments, such as King *Charles* the Second's was, there a Majority of the House might have been of such as were Elected by virtue of a Warrant from the Speaker: In 73 about Thirty Members, Elected by virtue of the King's Writs, were not suffered to sit, but were dismissed the House, and the Speaker issued Warrants for new Elections; so that in these cases the Authority seems to proceed more from the Speaker's Warrant than the King's Writ: But I say, that from this usual practise it does not follow, that the Estates may not Assemble otherwise in extraordinary Cases: As in this Hereditary Monarchy: Suppose the Royal Family were extinct, must the Nation remain still in confusion? never come into any form of Government, because we cannot have the King's Writ to Summon a Parliament, that is unreasonable: therefore the Representatives of the Nation must meet and settle the Government without any Writ of Summons: this is no impossible supposition, though it never happened in this Kingdom, because it has happened in other places, and upon such occasions the Government has been re-settled by the States.

Next, Supposing that on the Death of the reigning King, his Son or Successor, is far distant: this is no fictitious supposition, because it really happened: In what condition must we be until the return of our King, or directions from him? The Authority of our Judges, Sheriffs, &c. determined with the King's Life, so they cannot act: therefore in this necessity, to avoid Anarchy and Confusion, the States of the Kingdom must meet, and settle the Government by appointing Officers, and doing what else is requisite for the safety of the Kingdom: And this they did upon

the Death of *Henry* the Third, without any Writ or Authority from his absent Son.

After the Death of *William Rufus* the Crown of this Kingdom was given to King *Henry* by an Assembly of the people, not chosen by Writ: this shews also the regard they had in those days to the Lineal succession. These instances shew that the King's Writ of Summons is not so essentially necessary to the Being of Parliaments, but that the people of *England* may and have assembled in some cases without them, of which we have a very late instance in the Parliament; to which the Royal Family is much obliged, and to which the Nation was more obliged than to any but the one now sitting. I mean the Parliament that brought back the Royal Family: This Parliament met without the King's Writ, and was called in the Name of the Keepers of the Liberties of *England*, and yet sate, made Laws, and acted as a Parliament with King *Charles* the second for several Months together; and yet no Man can say there was so great reason for their continuing together, as for the present Parliaments; we had not then so many Enemies abroad, and at home the Kingdom was in full quiet; the *French* and *Irish* were not then our avowed Enemies, nor ready to devour us; a forty days delay then had not put us in the power of either of them, as probably it had now done; and if the King had now taken that course, the consequence had only been the trouble of Electing the same persons a-new, and postponing the necessary preparations for our security for two Months at least. And if we further compare the Case in question with these I have mentioned, we will find that it has much the advantage in other circumstances, for that Parliament laboured under more difficulties than the want of Writs of Summons; a doubt, that the Long Parliament was then in being by virtue of King *Charles* the First's unfortunate Act, that it should not be dissolved without their own consent; and in 59, King *Charles* was at *Breda*, or not much further off, and he would gladly have issued Writs, if they had been desired of him; but his Brother cancelled and tore those he had once issued; that Parliament met without any request from the Body of the people: this at the Express request of the City of *London*, and almost the whole Nation; and if that Parliament was called by those that Exercised the

the chief Authority in the Nation; so was this by him, that at our own desire had taken the Administration of Affairs upon him; though the Royal Line was not extinct, yet in *Ober* last the Kingdom was left as much in confusion, and without government, as if that misfortune had befallen us; a Parliament by *VVrits* we could not have, and without a Parliament it was impossible to settle the Kingdom; so that we had no choice; but either to continue without any Government as we were, or to meet in Parliament as we did; which being formerly done in other Countries, as well as our own: And since the King is pleased to consult with them, we must acquiesce in their Judgments, and obey them as the Legislative power of this Kingdom, notwithstanding our Author's Jest here, and his Assertions in the fourth Article, *That this is done without precedent or colour of Law.*

The third Article is, *His committing and prosecuting the Bishops for humbly Petitioning to be excused from consenting to the said assumed Power of Suspending the Laws and their execution.*

For answer to which, our Author refers us to what he said on this subject before; and therefore so do I. He tells us further on this Head, *That the present Government remembering the Proverb, Felix quem faciunt, is resolved to avoid the Rocks the last split upon;* which I look upon to be no ill news; For now, if we will take the Author's word, there will be no further attempts against our Church or Religion, our Laws or Properties; but, God-blessed, we have better assurance than the Author's or his King's word. And though this were a sufficient reason for the mild course taken by the new Act injoyning the Oaths, yet certainly the Nation does attribute that course very much to the mild Nature of the King; who would not too hastily exact a Compliance, nor too severely punish the want of it; though certainly the accepting of him for King, and swearing Allegiance to him, is a matter of far greater moment than any opposition King *James* met with from the Church, and so might deserve a severer punishment than for not obeying an illegal Mandate.

Our Author misses no opportunity of telling what is doing in *Scotland*, but he is not so forward to tell us News from *Ireland*: He tells us the *Scottish* Clergy are obliged to pray for the King and

and Queen under pain of Deprivation; and pray why should they not? But does not tell us that the Bishop of *Durham* was deprived by the late King for Voting or Arguing in Parliament according to his Conscience; neither does he give us any account of the pretended Act of Parliament in *Ireland*, taking away many of the Rights of the Clergy without any pretended fault; nor of their Act repealing the Acts of Settlement, which almost renders useless another of their Acts attainting our Nobility, Gentry, and Clergy only for being in *England*: Here is *Fangs and Claws* with a witness; and of *so weak a Government*, that one would think these Acts were designed for nothing else than to shew the Temper of the Man, and these that influence him.

The fourth Article is against *the Court of the Commissioners for Ecclesiastical Causes*: To which he lays, That *the Statute repealing the first of Elizabeth hath a Salvo for the King's Supremacy, so that there was an appearance of Law to justify that Commission, and that our Parliament meddle with Ecclesiastical matters also.*

Our Author is pretty modest in this Answer, pretending but to an Appearance of Law, to justify the late Commission-Court. So that now I am not only to argue against the Court, but also to shew how little that very Appearance really was; which I think will be best done, by considering the Statutes of 17. *Car. primi* C. 11. and the 13. *Car. secundi*, Cap. 12. In the first we will find that the Clause of the Statute of the Queen, which Erected the first Ecclesiastical Commission-Court, is repealed: In this I do not find any *Salvo* for the King's Supremacy; but there is a Clause of another nature, to wit, That no new Court shall be Erected with the like Power, Jurisdiction, or Authority, as the former had, or pretended to have; and that all such Commissions made, or to be made by his Majesty, his Heirs or Successors, and all Sentences and Decrees, by colour thereof, shall be utterly void and of none effect. By the 13th of King *Charles* the second part of this Statute is repealed; but what relates to the High Commission, or the new Erecting of such another Court, is not: this Statute has the *Salvo* I suppose our Author means. So that now the matter is shortly thus: The first Statute suppresses the High Commission-Court in being, and prohibits the Erecting of any such other for the future; and Enacts some other things foreign

foreign to this matter, which by *Charles* the second's Statute are repealed: But as to the High Commission-Court, it confirms the former with the Author's *Salvo*, that this Act shall not extend to abridge the King's Supremacy in Ecclesiastical Affairs. Now though this Statute had by this Clause been *Felo de se*, yet still by the first Statute the Erecting any such new Court is prohibited; for the *Salvo* only is, That nothing in that Act shall abridge the King's Supremacy; but does not say, that nothing in the former shall. To obviate this, our Author put his *Salvo* in the first, rather than in the other: But I say further, That though the *Salvo* had been where our Author would have it; or that the Clause had been, That nothing in either of the Acts should abridge the Supremacy: or to make the matter a little plainer; Suppose it had been literally worded, provided that the King by his Supremacy may Erect such a Court when he thinks fit; the matter had been but little mended for the Enacting part, that no such Court should be Erected, had been good, and the Proviso void; for it is a known Rule in Law, That the Proviso or Exception must not wholly destroy the preceding Grant, though it may lessen or qualify it: As for instance, If one grant to me all his Trees, and afterwards adds a Proviso, except all his Trees, the Grant is good, and the Proviso void; because it would render the Grant wholly useless; but he may except all his Trees in such a place, or twenty, or any number by name, because there is a subject both for the Grant and Exception. So a Proviso in the Act might have preserved the Supremacy in *Wales*, or any particular place; but being general, it is void, or rather has no operation on the matter positively Enacted, though it may preserve the Supremacy in other matters.

This Article complains as much of the Executing as the Issuing this illegal Commission: To which, since our Author says nothing; I will only add, That though the Law had been plain for the Prerogative in this case, as to the Erecting of the Court; yet since King *Charles*, who was looked upon as a Protestant, did not think fit to put this Power in execution, during the Twenty-four years he lived after the Statute: which implies, That either there was no need of such a Court, or that he thought he had no Power of Erecting it; it was a bold step in the late King to venture on it,



it, but perfect madness as he managed the matter. When the Statute was in force, the Proceedings were for the Correction and Reformation of such Offences, as by the Ecclesiastical Jurisdiction could lawfully be corrected and reformed, during the continuance of that Court, which was near an hundred years: The Proceedings there were only against persons that disobeyed the King's LAWS; never one was punished by them for not obeying a Letter, but the Bishop of London; the disobeying the King's Arbitrary and Illegal Mandates was never looked upon as a crime before the late times. And for a further instance and proof of their illegal Proceedings, the Commissioners that acted in pursuance of the Statute could not proceed against persons for small Crimes, or such as could be remedied by the ordinary: For which reason, we find in our Books, that a Prohibition went out of the Temporal Courts to stop their Proceedings against one for Adultery, as

*Cro.C.114.* Judge *Hutton* tells us in *Isabel Perle's Case*; unless in such Cases as were very exorbitant and notorious. Now unless we have lost another, the most secret Adultery of the Commandments; is a greater Offence, and a little more expressly prohibited, than the

*Cro.C.220.* Contempts punished in that Court. In *Drake's Case* a Prohibition went to stop their Proceedings against him for Allimony, although this was one of the Articles their Commission authorizes them to hear and determine. Here the Court looked on their Authority to be from the Statute, not the Commission. This is a full Judgment; and many more might be instance against those that assert, That the King by his Supremacy, or the Common Law, could Erect such a Court, though the Statute were repealed; for in this Case he gave Authority to decree Allimony in Cases of severity; but because the Statute gave none such, their Proceedings were stopped by a Prohibition. It is wonderful to me, and seems something like an insatiation, That the Projectors of that Court did not, to gain some credit to it, and in return for all the mischief they intended, find out some real Criminals to make Examples of; so that the Nation might sometimes be satisfied with their Judgments, though they could not be with their Jurisdiction. When we see vengeance over-take notorious Offenders, it is but rarely that we inquire whence the blow comes; and if we do, we are seldom over-strict in the matter! But since they omitted this  
common

common piece of Polley, after-times will rather suspect that they had not Power by the Commission to punish such Offenders, then either that so populous a Nation should want for Objects for their wrath, or that so famed Politicians should concern so prudent a course. All the account I can give of this matter is, that, *Quos Jupiter vult perdere prius dementat.*

The fifth Article is, *Levying Money for other time, and in other manner than the same was granted by Parliament: ibid.* he confesses, ought not to have been done by the Petition of Rights, and some older Statutes he mentions, which is a Confession of the justness of the Complaint: But then what he did of this kind, he says, was by virtue of a Lease King Charles the Second was impowred to grant for three years. This is another instance how small a matter was sufficient lately for Appearance of Law, good enough to wrest the Legislative Power out of its proper course: For this Lease our Author here speaks of, was pretended but to be made by the Commissary of the Treasury the Fifth of February, the day before King Charles dyed, and when he was lying void of all reason and sence, if not of life. This looks so like a trick, that it supercedes all necessity of enquiry, Whether King Charles had power to make a Lease of that part of his Revenue granted him for Life only, for any longer time than his Life. But to shew the illegality of that Proceeding, and the insincerity of the Author, I will give the full account of this matter. And, first, it is to be observed that the late King, upon his first coming to the Crown, levied Money on several Branches of the Revenue sealed in King Charles for Life. The Subsidies of Tonnage and Poundage, and other sums of Money payable on Merchandises Exported and Imported, were granted expressly by the Statute to King Charles during life; yet the late King by his Proclamation of the 9th of February, directs that the same shall be Collected as in the time of his Brother. Herein he pretends to no other Law for this, but that it is his Will and Pleasure, the necessity of the Government requiring the same; there is no three years Lease in this Case, nor any pretence that King Charles did or could make any such; so that as to this, our Author's assertion is false: But indeed as to the Excise, the late King made use of that pretence; and by his Proclamation of the 16th of February, tells us, That the late King's Commissio-

ners of the Treasury did, on the fifth of February, contract and agree with Sir Peter Apple, Sir Benjamin Balbourn, and James Grubbe, that they should receive the Duty of Excise for three years, from the date thereof, at the Rent of 550000 Pounds per annum: And being certified by the Opinion of the Judges, that the said Contract is good and valid in Law, to the intent that the said persons may have no pretence of with-holding their Rent; and that the Subjects may not incur the Penalties inflicted by the Laws of Excise for not making due Entries, or Non-payment, or concealing any part of the said Duty during the said three years: He does publish to all his Subjects, that the Judges have certified him their Opinions, that the said Contract hath continuance notwithstanding the decease of his Brother: His Will and Pleasure therefore is, and he thereby Commands the Commissioners of the Excise, and other Officers, that they be Aiding and Assisting to the said persons in Collecting and Levying the said Duties; and that all persons chargeable with the payment thereof, do make due Entries, and pay the same upon the pains and penalties to be inflicted thereupon according to the Laws of Excise. Though these Proclamations were equally illegal, yet the first was certainly the more generous; it goes roundly to work, and tells us, in plain terms, he wanted the Money, and therefore would take it; whereas the other pretends to be countenanced by the Law, but instead thereof has only that of the Lawyers; the Moiety of the Rent therein mentioned is a fair sum to be gained for three years, by the private Opinion of the Judges, which is sufficiently confuted by a bare stating of the Case: The Excise was granted by two Acts of Parliament; the one Moiety by one Act, the other Moiety thereof by another: The first is called a Grant of certain Impositions for the increase of his Majesty's Revenue during his life; And Enacts, That the Duties therein mentioned shall be paid to the King during his life; the other Act lays the same Imposition on the several Liquors therein mentioned; and Enacts expressly, That the same shall be paid to the King, his Heirs and Successors for ever. Which, being the Statutes of one Parliament, shews plainly that it was intended that the one half of the Duty should dye with the King, otherwise there was no need of two Acts; and the reason of the difference

ference is obvious, for the last Moiety of this Duty was granted to the Crown in satisfaction of the Profits of the Court of Wards, and for the Abolishing of the King's Pre-emption and Purveyance, in which the Crown had an Inheritance. In both these Acts there is a Clause for making Leases, not exceeding three years; which was laid hold on to continue this Tax on us four and three years longer than the express time we granted. Had this Lease been made *bona fide*, and in King *Charles's* health, it would have been but a frivolous pretence; but considering the time it was made, it was the smallest way ever was laid hold of by a sinking Cause.

Our Author comes next to represent our present Condition to us; and though he make a fearful Picture of it, it is not so dreadful as Popery and Arbitrary Power in their best Dress: He says we must pay great Taxes, and reckons up *some Millions*; I am not so conversant in the Affairs of the Treasury, as to tell whether his Computation be right: but be it so, we had rather pay that and much more, than fall into our former misery; it is some satisfaction to our minds, that when our Taxes are paid, the rest is our own. But to set this matter right, and to discover the Author's dissingenuity, we must take notice that the Statute taking away the Hearth-money, one of the most grievous burthens this Nation ever groaned under, *Peter-pence* and *Danegeld* not excepted, passed the Royal Assent the 24th of April--89. And that our Author in several places of his Book takes notice of Statutes passed, and other matters happening afterwards; as the Pole-bill the first of May, the Declaration of War against France the 7th of May, the Ease to Dissenters the 24th of May, and the Act for satisfying the States-General the 20th of August--89. But yet he speaks not one word of the other; and his reason is, because if he had done that, the great Taxes he speaks of would dwindle into nothing; for if that Duty amounted to 200000 Pound *per annum*, we have not yet given the King Twenty years Purchase for it, which is the rate most of his Subjects sell at. He tells us next, *The War cannot be carried on without Money, and that at the end of it, it must cost us a great Sum to Disband the Army*; which he would persuade us to save by restoring King James: This is a declaring War against the Army, and will lessen the

number of his Friends, if he have any there: and then if the Nation, by restoring that King, will avoid paying their own Army, they must pay his, which is as numerous, and to whom there is as great an Awe due, besides all that is due to the French King: So that if any be so foolish as to wish a change in the Government, it must be on other Motives than to have his Money, the restitution of the Hearth-money being all he is like to get by that bargain. He tells us next, That we who feared the coming of the French in King James's time, have taken a way by declaring War against them to bring them upon us with a vengeance. But I would have him know, this Nation would rather see the French here open and professed Enemies, than pretended Friends; and that we fear them, less in the one capacity, than the other; and surely we never had less reason to fear them than at present; though it were too great presumption to guess at the Divine Councils; or to say that God now designs to be avenged on him for his Blasphemy and many Oppressions; or that he has at last heard the Groans of the Fatherless and Widows, though doubtless he will, in his own due time, inquire and visit for these things: yet if we consider how he stands with the Kings of the Earth, we may rationally hope that his Glory is near an end; for the Emperour and Princes of the Empire are exasperated against him, not only by his seizing and barbarously destroying their Territories, but by his stopping their Victories over the Turks, and by assisting them by so great a diversion: But it hath pleased God to bless their just Cause with success both against the one and the other; with the King of Spain and the States of Holland he has actual War; the Cantons of Switzerland, at best but Neutral; and some think they are almost overcome by the late Pope's advice to quit it; who not only styled him the Common Enemy of the Christian part of Europe, but with his last Breath advised the Cardinals to oppose his unjust designs: Had England ever a better time to humble his Pride, or to force him to do justice to themselves and Allies for the many injuries and provocations he has from time to time heaped upon them? If we cannot deal with him now that he has no Allies to support but the Turks, Irish, and Algerians, we must despair of ever seeing an end to the Miseries of Europe.



The sixth is, *Keeping a standing Army in time of Peace, without consent of Parliament.* He wisely omits *Quartering Souldiers* contrary to Law, being neither able to say any thing in defence of it, nor to retort it on the present Government: All that he says to this Article is, *That his Officers were enriched by his Pay, and that they were his delights;* but he does not tell us they were so, because he hoped to over-throw our Religion and Laws by their assistance, and to throw off Parliaments, those Shakkles on his designs. He tells us next, *King James used no Foreign force, but contented himself with his Natural-born Subjects.* But was not there some of them as ill as either *Dutch* or *Brandenburger*? The *Irish* are more opposite to our Religion and Civil Interest, than either of the other; But our Author is angry we have an Army in being, not designed to enslave the Nation, as the last was, but ready to oppose all that shall endeavour to bring us under our old Bondage, and some to spare, to oppose the *French* design on *Flanders*, by whose Courage he has already received one defeat; and durst his General have stayed, and not retreated so very fast, he might have had another. Our Author in his last Leaf gives us so true a representation of the inconveniencies and burthens the Nation groaned under from the Army, that I cannot better express them than in the Author's words: *Some Rake-bills of the Army took liberty to disgrace the Service, who, to supply their extravagant Expences, put the Souldier's Pay into their own Pockets; for which they allowed them, under-hand, to sharp upon the Country, and too often leave their Quarters unpaid, to the dishonour of the King, and ruin of many an honest Man: And to add to that Infamy, they forced the Constables by threats to give them Certificates that they had paid their Quarters, and behaved themselves well in them, when, in truth, they had done neither.* But to heal the matter, he says further, *That those that were averse to the King's interest, with a design to ruin him in the affections of the People, either quite concealed this from him, or at least so minced the matter, that the difficulty the poor Country-man lay under of being heard or relieved, made the remedy often prove worse than the disease.* Doubtless, if there had not been too many instances of the fruitless Complaints of the Nation, upon the abuses of the Army, we should not have had so full a confession as this from our Author.

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The seventh Article is, *Causing several good Subjects, being Protestants, to be disarmed*: But our Author omits the other half, That Papists at the same time were both armed and employed contrary to Law. What is said to this, is so little to the purpose, that I scarce know how to Answer it: He cannot tell when this was done, nor whether those disarmed Protestants were not of the Geneva-Coin; but sure it does not therefore follow that it was not done. I must confess I do not know the time it was done in England; but I can tell our Author it was twice done in Ireland before the fears of this last Revolution made them rob us of our Horses, and other Goods, as well as Arms; and both after the suppression of Monmouth's Rebellion. If the Parliament have no other Instance to justify this Charge, surely these are sufficient, for we were both good Subjects and Protestants: And if it be considered that many of us lived in danger of their private Villains; a numerous swarm, that infest all retired places in hopes of Plunder; and that we were all in danger of their publick and general hatred, with some other circumstances that might be mentioned; the disarming us was the more unkind to us, and hazardous to the Protestant Interest. He further pretends, That the necessity of Self-preservation made the late King at last arm Papists. What was done of this sort since October --88, that he heard of the intended Invasion, has some colour of a pretence, but that is none for what was done before: And if enquiry were made into the new Levies, which our Author calls 2000 Men, I believe but few Papists, in proportion to the old Army, will be found amongst them; and the reason is, all the Papists that could be found before were in-listed. But as to them, I have said enough already.

The eighth Article is, *The Violating the Freedom of Election of Members to serve in Parliament*. To which our Author says, That if this be meant by purchasing peoples Votes, it might have been redressed by the Committee of Elections; but if it be meant of regulating Corporations, and the Quo Warranto's, he says King James's Parliament that would not yield to the taking away the Test, was Elected in the same method; and that the present Speaker Mr. Powle was Elected by virtue of a late Charter of King Charles the Second. To the first of these I say, That if the King had purchased but a few Votes, that Irregularity might have been remedied, as the Author

Author says, though not without much charge and trouble: But if by such indirect courses he had gotten a Majority of the House, it was not remediable, because the House would never censure those that were no more guilty than themselves. As to the other, it is true the Service that Parliament did the Nation in that one Act, of so early opposing the Growth of Popery, has made amends for any Irregularities that were in the Election of them. But what, had we no more Regulations of Corporations after the Calling of that Parliament? Did one Repulse put the King so much in despair of gaining his Point, that there was no enquiry what persons Gentlemen would chuse hereafter for Members? Were no persons displaced from their Employments of Honour and Profit, for not engaging how to Vote both in the House, and at Elections? But may be our Author does not think this any Violation of our Freedoms; for clearing whereof, I need say no more than I have already done; which sufficiently shews how little the Author says to this Accusation of the Violating our Freedom in Elections; the rest, he says, gives us a fair instance how inconsistent he is with himself: In the beginning he tells us the Committee of Elections may rectifie the Miscarriages of Elections; and yet in a few Lines afterwards we find him Matinying against the Speaker's Election, though approved of by that Committee, and the House also; so that Mr. *Powle* being declared duly Elected by the proper Judges. I need say no more of the matter in Answer to the Author, but for the satisfaction of those that are strangers thereto; and that they may not be imposed upon by the Author, or any of the other Pamphlets that harp on this string, I will lay the state of that Case before them. And, first, it is to be observed that there has been many Debates about the Election of *New-Windsor*; from whence the Speaker is Returned: And the Question, as in this Case, has always been, Whether the whole Inhabitants of the Town, or the Corporation, had the Right of Electing their Representatives to serve in Parliament? And to say the truth, it has been *vexata questio*, and resolved both ways: But then I say, That if the Author be true to any principle, he will lay but little weight on the former Resolutions against the Speaker's Right, since they were the Parliaments of 1640, and 79, that so adjudged it. But without insisting

sitting on the disorders and struggles of those times; I say we have the Resolution of the Parliament -- 61. for us; wherein it was Resolved, That the Right of Election is in the Mayor, Bailiffs, and Burgeses, not exceeding Thirty in number: So that Judgments being on both sides, we are to enquire, as in all such cases, which is supported by the best Reasons, and doubtless they are on our side; for the Resolution in favour of the Populace was grounded upon the mistake that *Windsor* was a Burrough by Prescription; whereas the Inhabitants were incorporated by a Charter of the Fifth of *Edward* the First; the Clause wherein, *Quod de cetero sit liber Curgus*, and the Name *Nova Windsor*, are great presumptions, that the Town was not then very Old, or a Burrough before; which is more plain, when we consider that those are really words of Creation, not of Confirmation; and we have no foot-steps of any return from this Town before this Charter. One of the first, is the 30th of his Reign; and there it is said, that the Mayor and Common Burgers, *elegerunt*; and so it is in the 29th of *Henry* the sixth. Now if this be not very plain, the Community or Body of the Burgeses, the subsequent usage puts the matter beyond all doubt; where it is expressly said, That the Mayor, Bailiffs, and Burgeses, *elegerunt*, as 35. *H. 6. 1 Ed. 6. 14. 30th and 43. of Eliz. 1. 7. 18 and 20. of King James* the first, 1st and 3d of *King Charles* the first, and the 13th of *King Charles* the second. So that here is a full jury of Parliaments to justify what has been done in this case; and then all these, and some older and darker Returns are under the Common Seal, and dated at the *Guild-Hall*, both Evidences of Corporation-Acts. From all which I think it very plain, That the Right of Election is in the Corporation, and that from the beginning it has been so; but were it otherwise, the Author is a Misrepresenter in this Case, because the Contest was not occasioned by a late Charter of *King Charles* the Second's; but was upon a Point contested before his Reign, and afterwards in his Reign, before the Regulation of Corporations was thought upon.

Next our Author says, *This Violation of our Freedom was but intended, never put in execution*; no more was the destruction of our Religion and Liberties: God Almighty was pleased in mercy to us to overthrow their *Babel*, when they had almost brought it,

as they craved, to perfection: And urges further, That the King being willing to have his last intended Parliament as free as his People could desire, had actually restored the old Charter to all the Corporations in England long before the Prince Landed. Here the Author mixes the King's good intentions to us, and would have us look upon his last Acts of kindness as the sole effects of his Goodness, when, alas, they proceeded only from his Fears; which will appear plain, if we consider the Times of the several Passages relating to this matter. The 9th of September, New-Style, Mr. d'Arvans's Memorial to the States-General, telling them of the strict Alliance between the two Crowns, tells us of the Propositions making against us, and came to our Court the 10th of September, Old-Style. After ten days Consideration a Parliament is resolved on, and the 21st the King by his Proclamation assures us of his kind intentions to the Nation and Church; and therein tells us, he is willing the Roman Catholics should remain incapable of being Members of the House of Commons; a mighty favour! The 26th of September, the Lord-Lieutenants were authorized to grant Deputations to such Gentlemen as had been lately removed from the licensetown; and such Gentlemen were to be restored to the Commission of the Peace; as had been lately laid aside. The 28th of September, his Majesty by Proclamation acquaints the Nation with the intended Invasion, and recalls the Writs for the Parliament. Not yet of October, the King declared he would restore the Charter 1660 London, and give us a General Pardon of the same date. The 5th, he Dissolves the Ecclesiastical Commission. The 17th of October, the other Corporations of the Kingdom are restored; all which favours were conferred on us, after they were terrified with the News of the Invasion; so that we may rest fully assured they were the first fruits of that blessed design; add the meeting of the Parliament was discharged Twenty days before the Restoration of the Corporations; which, by our Author's computation, is a long time, otherwise the Corporations were not restored long before the Prince Landed, as our Author says they were. To answer the third of the 9th of October, it is against the King's Bench for Ministers and Ministers' servants only as Parliament, and not against other arbitrary and illegal courses. The last Clause is justifying and so might all our Author thinks so to say in answer to the first, bring only,



only. That he should not let those Judges and Justices Privileges, and that some Parliaments have thought matters before them, that were not properly cognizable by them. But when these things are, he does not tell us, but be it so, and let them and their Advocates justify them if they can. But in the mean time does it follow, that because one Court exceeds its bounds sometimes, that therefore the Kings Bench may? Or how does this take the Revell's between the present and the late Times? If he had told us that this Species had been Prosecuted in the King's Bench for his Actings as such, and fined 5 or 1000 l. he had said more to the purpose, than he has done in the whole Book.

The Author says the tenth Article is about partial, corrupt, and unqualified Justices. But he should also have added, *That divers Factors in Trials for High Treason were not Free Holders*. He shows the consequence of this matter in the brave Lord Russell's Case, and therefore thought fit to pass it over in silence: but tells us, *That the Justice against Graham and Baston, for such practices, is not one for want of proof*. To which, I say, the thing is obvious, though the design of those that managed this work of darkness is not yet made plain: and notwithstanding, though the same should never happen, considering how few persons, but those concerned, can have any knowledge of it, it is not likely the party corrupted will proclaim his own villany and shame, so that if the said persons, if they were the managers, do but keep their own Counsel, no positive Wharffer can be had against them. But then, considering the Nature of the Case, the great Sums of Money said to be hid, our party at Law, will satisfy Men not over-credulous. But if our Author will have a little patience, he may hear what proof there is against those Gentlemen, the House of Commons having lately ordered a Charge to be brought in against them, which was not done sooner, because they had matters of far greater importance to dispatch.

The eleventh Article is requiring excessive Bail in Criminal Cases, to elude the benefit of the Laws made for the Liberty of the Subject. The truth of this is not denied, neither is it justified, only the late Acts suspending the Habeas Corpus Act are exclaimed against, which I must say is one of the greatest favours imaginable to those most concerned in it: if it but prevent them from running too far

In dangerous countries, it had been a great Blessing to the Lord Dundee and his Family, if the Estates of Scotland had committed his Person when they first observed him tampering; though my kindness for some of those unfortunate persons, then in custody, makes me hope they were kept there, as well to secure themselves as the Government: yet I believe there are not many of them dare pretend to that Innocency.

It must not be forgotten in this place how his Majesty, like him whose Vicegerent he is, mingles Mercy with his Justice, and that he sent one of these Prisoners a considerable Sum of Money to support him from want; not knowing how plentifully he might be provided from his own Estate, with which it was not easy for him to hold any Communication: our Author will find it hard to give me such an Instance of Generosity in his King.

I have only one Remark more on this matter; which is, That if all Princes were endued with such Moderation and Clemency as our present King, there would be but little need to secure us by Laws against that Weak the Prerogative; and that it is much better trusting Power with some Kings, than others. The late King could commit seven of our Peers at one time without and against the Law; whereas his Majesty, though encompassed with avowed Enemies in two of his Kingdoms, and some as discontented as the Author in the third. And though by the late Statute he had Power to commit, I may say, at his pleasure, yet I believe those so committed by him, will scarce exceed the number lately carried to the Tower at one time; so that upon experience of his prudent Moderation, and that he does not use his Power for the Oppression of those that do not love him: I see not why the Parliament may not continue this *Præsumption* for some time longer. At least until Ireland be as well telled as the rest of the Kingdoms.

The 22th Article is by our Author made up of two. I suppose on purpose to lessen the number; and is, *That excessive Fines have been imposed, and illegal and cruel Punishments inflicted.* To which he says, *That the persons so Fined were punished so deserve them, and if they were not executed, or the King could do extraordinary Clemency remitted a great part of them.* But our Author does not

tell us how many were so fortunate as to meet with this extraordinary Clemency: I am confident he might have increased that List without swelling his Book to any extraordinary size: I know none that received any relief this way: I have heard that the Fine of 30000 Pounds, imposed on my Lord *Downham*, against the Rules of Honour as well as Justice, was not remitted; but that his Lordship was forced to give his Bond for the same, which hung over his head until King *William's* coming to the Throne; so this cannot be said to have been remitted, though it was not paid; and one would think this had been as fit a Case for the Experiment our Author speaks of, as any that happened in his Reign: if we consider that such heinous Offences as Assaults used anciently to be punished by a Fine of Ten Groats; the restoring the five thousand Pounds to Mr. Solicitor *Williams*, that had formerly been exacted of him as Speaker, does neither excuse the Judges from the Injury they did the House of Commons in that matter; nor can the Author say it was remitted; nor can I believe it proceeded barely from his forgiving Nature. I am sure no part of *Oates's* Punishment was forgiven, though there was scope enough to have pardoned much, and to have him still under the lash. Our Author upbraids the Convention in being *Advocate for Oates, and Countenancers of Perjury by this Article*. If there had been no other persons cruelly or illegally handled, there might have been some suspicion of, as if this Article had reversed his Case: but since this is the case of many others, it is hard judging it done in favour of any one of them. But without our turning *Advocate for Oates*, I may say, That though he were guilty of what he is accused of by those two Indictments; yet if the rest, or the material parts of his Evidence were true, the easiest discipline had been hard measure. But supposing there had been no Popish Plot, that his whole story had been a fiction, his Crime had then been very heinous, and had deserved the severest Punishment the Law could inflict, but no more: And if the King or his Judges had thought that this monstrous Perjury had deserved a severer Punishment than the Laws in being prescribed, as certainly it did, supposing it really so, the matter should have been represented to the Parliament, which in this case might have been done without any delay, the Parliament being

to meet within these days after the Passing of this Arbitrary Sentence. And if they had been satisfied of his Villany, doubtless they would have made him a perpetual Object of the Legislative Justice: but certainly a Power of perpetually Tormenting, Burying people alive, and Fining beyond ability of payment, or any regard to the Rule *Salus communis*, is too great a Power to be intrusted with *beneficent* Judges. If the Author had come through their hands for such a Libel against that Government, as his Book is against this, I dare say he would have been convinced of the truth of these two Articles.

In the handling of these Heads, our Author insinuates King James's Clemency from the many Pardons by him granted, which is scarce worth the disputing now; but that he does thence encourage us to come again within his Power. To the end therefore, that he may not impose too much upon unwary people by this Topick; Let us remember, first, That he suffered his Coronation to pass over without any Pardon, though the Nations were then in a profound Peace. The excuse for this is, That this was reserved for the Parliament; of this we are assured by himself, and that *Monmouth's* Rebellion hindered it from passing then. But how to reconcile this to a *forgiving Nature*, I see not; that Rebellion made a Pardon, as well more necessary as generous: But then how should those rebellious Vermin have been rooted out? *Jeffery's* Campaign was the more effectual way; therefore it was not fitting to throw such a rub therein, that might have reserved some of those ill-principled Men for the next mischief; therefore it was agreed that a competent time should be allowed to rid the Kingdom of them. That after ten Months had been successfully spent in this prosecution, the Nation on the tenth of *March-85*, is blessed with a Proclamation called, *A most Gracious and General Pardon*. It is well his Majesty gave it a Name, for otherwise people would scarce have known what to have called it; for we find near Two hundred, by name, excepted out of it, a number greater than ever suffered for any former Rebellion; about a fourth part of those were Women; which is enough to make one believe, that the Duke's Army was composed of *Amazons*: And further, all that landed with the Duke of *Monmouth*, or were Officers in his Army, or reputed so,

are excepted by another Clause, and all Bodies politic and incorporate. These things would almost tempt one to credit the report, that they excepted all persons out of that Pardon whose Names they could learn; and rather than let one escape, they excepted them by half their Names; for in so unchristian a matter, they regarded not Christian Names; and that their rage was levelled against all persons concerned in that unfortunate business, will appear more plain, if we consider the Quality of the persons excepted in that General Indempnity. *Marguerite* and *Semfrices* are of so considerable a rank, as to be expressly mentioned; and so many of them were of that mean quality, that some judged it a greater Indignity to Lord *Maresfield* to be ranked with such fellows, than to be excepted out of the Pardon.

As for the General Pardon of the 2d of October -- 88, it did reach more Offenders than most Kings have had occasion to pardon; but then they were such as were made so by his own infatigation; so that the least he could do, was to pardon those Offences, of which he was not only an accessory, but the chief promoter. For all others, it came in a time as little needed as regarded; and the same or worse may be said of his *Salisbury* Pardon of the 22d of September. So that I think there is but little encouragement from any, or all of these, to trust him any more.

The last Article is, That *several Grants and Promises were made of Fines and Possessions before Conviction*. This is so great a breach of the Law, and leaves so great a stain, that our Author chuses rather to deny the truth of it, than to justify or extenuate it; and though of the whole number it is the only one he dares venture to deny, yet it is as great a truth as the others, though I am but little acquainted with the private intrigues of this sort. Yet I can tell him of one *Taylor*, that had not only his Estate granted from him, but his Wife also persuaded to leave him and marry another Man; and the poor Man, after a miserable languishing in Gaol without that small support he was promised by those that persuaded him to plead Guilty to his Indictment of Treason, has a Petition now lying before the House to be relieved in both, and to have his Estate restored without the



the Inconvenience of his Wife, which is no extravagant request, it is true that she forsook him in his misery.

Though the Parliament were pleased to mention no other Grievances, yet I would not have our Author too confident there were no other; for certainly the displacing of the Judges so frequently, and upon all occasions, was a great one in it self, and occasioned many more. This made some of them stick closer to their directions from Court, than to the Law, in many Cases; but for fear of this Judgment, had never passed so quickly in *Sir Edward Hale's Case*. I should be glad to know what our Author thinks of prosecuting the Subject with great rigour upon pretended Grievances; As the Bishop of *London* for not Suspending *Dr. Sharp*; the Seven Bishops for Petitioning him in the most humble manner; *Dr. Barrow* for the slip of his Pen in a private Letter, or for a less offence, as we may judge by their quitting the first, as soon as they had the other to lay hold on; *Mr. Baxter* for his Notes on the New Testament; these and many such like that might be instanced, shewed as if the Government lay at catch, and were glad of an opportunity, no matter how just or honourable, to be rid or revenged of any person they had no fancy to: This kept all persons under jealousies and apprehensions. Has our Author read the Statute of *Charles the Second*, repealing the Act for Triennial Parliaments? If he has, let him tell me whether it was well observed; If it had, it might have prevented many of our other Grievances; for the King would not have gotten Ministers so fool-hardy as to have executed his Orders, if they had thought that a Parliament was likely soon to over-take them. Lastly, I should be glad to know what our Author thinks of those many Grievances relating to *Ireland*, I shall only instance in my Lord *Tyrconnell's* Government; that being the foundation and support of most of the rest.

The Sword was no sooner put into his hands, but he displaces our Protestant Lord Chancellor, Attorney-General and prime Serjeant, and Lord Chief Baron, before Term; and the Judges, who were always appointed in Hilary-Term for the Bench-Circuit, waited beyond that for his Approbation; the consequence whereof was, That the two Protestant Serjeants were put by, and Papists, their Juniors, sent in their stead.

His

His next blessing to the Nation, was such a set of Sheriffs, the like whereof that or no other Nation ever saw; and his Majesty was so eager for these Tools, that Lord *Clarendon* was ordered not to name them; and though usually the Sheriffs are named in *November*, this Year, waiting for his coming, we had them not until the middle of *February*; and then many of them were Men of no Estates. To reprove the Country in case they injured them, little understanding, and less honesty to direct them in the due execution of their Offices, which discouraged many so much, that they chose rather to venture the loss of their Debts by not Suing, than by Suing, venture it in the Sheriff's hands; and in that Vacation he attacked all the Corporations in the Kingdom with *Quo Warrantis*, and soon afterwards dissolved several persons of their Offices, wherein they had Freeholds, by putting others in their places; as *Bruno Talbot* was made Chancellor of the Exchequer, in the place of Sir *Charles Merdith*, and Captain *Giles Coningham*, though they both had Patents of their Employments for their Lives. I might go on with the mention of other Injuries heaped by him on the Protestants, to the length of a just Volume. But in hopes that we shall not be any more troubled with him, I will forbear.

Having so long followed our Author close to his own method, without omitting any thing that he can judge material: For the future I will only consider the principal of his Assertions and Insinuations, having already been so much longer than I at first intended.

I have spoken to the late King's Concessions before the Peers' Landing: To which I shall now add, because our Author lays so great stress thereon, That if his Intentions had been so *Glandid* and *Princely*, as the Author phrases it, why did he not suffer the Parliament to meet in *January*, as he promised? Why was he so angry at the Peers that desired it the 17th of *November*? Why did he so long resist its Siting, until he should be in a condition to keep his Word, or not as he pleased? Thus he denied to those Bishops our Author says he granted so much to

Lastly,

Lastly, It must be noted, that though the King redressed some of our Grievances, yet he did not take away the great Cause of our jealousy and complaint: As for instance, he cancelled the Ecclesiastical Commission, but did not disclaim the Power of setting up another when he should think fit; nay, did not so much as promise not to do it: And for any assurance that we had, he might by another Court have punished these Bishops for their present presumption, and meddling with State-affairs; neither did he ever disclaim his absolute Power over us, nor lay aside his Dispensing Power, by which alone he could have rendered all our relief in Parliament useless; therefore so long as he kept that, all that he could do for us could not satisfy; because without it we could not be secure for any longer time than the Jesuit's fears kept them in order.

Next our Author would insinuate a strange Proposition, *That the States contributed to the Invasion with a design to ruin our Trade.* In answer to which, I say, That it cannot be supposed that they have forgotten what helped well, if not laid the first foundation of their Trade and Greatness; and why they should not expect as much profit from the struggles about Religion in King *James's* time, as from those in Queen *Mary's* time, I cannot tell: Surely *Papery* is not less terrible to us now, than it was then, that we should more tamely submit to it than we did then. We have seen in *France* some late effects of prevailing *Papery*, that does not more surprize than instruct us to be on our Guards; to which the danger of our Civil Rights being joyned, all undermined by the Dispensing Power and Obedience without reserve: Surely the same, or worse effects as to us, might have been expected now, than followed in those days, that only contended about Religion: Where that Persecution forced an Hundred abroad, in all probability King *James*, if he had not been diverted, would have forced away a Thousand with their effects; most whereof, as they did in those days, must, for the old reason, have settled in the *Low-Countries*. Would not Persecution here have forced our Labourers and Marriners to take shelter with them, which had

been a double advantage, one by lessening our stock, another by adding to theirs? They were not so dull-sighted as not to see this, but compassion to us, and to the Protestant Interest, made them neglect that and other advantages they could have made of our home distractions. But then it is hard to conjecture how their Trade could thrive or get any advantage of ours in a joyn't War, when, in all probability, the first fury of the Enemy would light on them: One would think it were easier for the *French* to make a Descent on some of the *Dutch* Territories, than on ours, unless their Rivers were more unpassable than our Ocean: It is not so long since the *French* were there, that one should forget the way, or the other the dismal havock they then made, although they managed a safer sort of War than they now do: If they had not provided a good Army this Summer, the *Palatinate* had not singly complained of the *French* Fires: But the Tide is turned, and I hope we are both equally free. If Convoys, as he says, will secure their Trade, that will secure ours as much; so that this is only thrown in out of hopes to discontent some persons, who have not forgotten the hard words given to the *Dutch* in the two last Reigns; though now it appears that the Wars then carried on against them were the first step of the design laid against the Protestant Religion, though Emulation in Trade and some other things were insisted on to keep up the Resentments of the Nation, just in the Author's Cant. But the cheat being at last, though too late perceived, we remember how zealous the Long Parliament was for the last Peace with *Holland*, and a strict Alliance with them against *France*; neither have we forgotten how many Prorogations this cost them. So that now, in relation to *Holland*, we are arrived to that happy Union with them the Nation so long ago desired; and that Parliament which gave so many extravagant Sums for the carrying on both those Wars, when they were made believe they were either necessary or honourable, cannot be supposed to have changed their note so much out of kindness to the *Dutch*, as out of a just regard to the true interest of the Nation.

To the same purpose is our Author's complaint of admitting the Dutch into our Harbors, viewing our Dicks and strong Holds, and making our Ports and Shipping entirely theirs : For surely our King knows as much of their Harbors and Government, as their State-holder does of ours ; and so we are even with them : But indeed we were even before, each knowing as much of the other as is requisite ; and unless Lord Torrington be no English-man, and all our Sea-men, as well as Captains, have lately changed their Country, our Fleet cannot be said to be theirs : If there be any Faction Men in Holland, they may more justly make this complaint, since their Fleet has this Summer been Commanded by an English-man, and the King of England's Commission. Our Author brings in the Name of *Pierre Gaveston* here only to amuse the Vulgar ; for the having an influence over a Prince is not the harm, that is in the ill use made thereof, which is not to be done, but where our Princes are weak Men : As in the Case of the *Spencers* in Edward the Second's time ; Father *Peters* in another Reign ; and others that might be named : But our King has no Favourite but his People, nor any Interest separate from theirs.

Page 32. our Author tells us, *such a delivery up of our Country was never known before, nor acted by any Party of English-men* : But I can tell him of a worse, and that is the delivery up of Ireland to the *Irish*, the ancient and sworn Enemies of the English Nation ; they were so before Religion came to make any difference, and rebelled as often against their Popish as Protestant Princes, never missing any opportunity they could lay hold on ; their hatred is so inveterate, and has gone so far, as to destroy the English Cattel, rather than preserve them for their own use, though of a far better breed than theirs ; and all out of hatred to the Country from whence they came ; out of the same aversion several Statutes has not been able to turn them the Language in many Generations, nor to Abolish many of their barbarous Customs ; and let no Man justify or excuse this by the seeming Success, for all the relief they can afford him, will not keep him long out of the Ministry our Author speaks of. But then, I say, King James could not see



see what has fallen out; for as hot as his Zeal is, if we may judge by what he did on the News of the intended Invasion, he would have taken other measures, if his Priests had not fooled him with hopes of better success, and that he should be able to accomplish his designs. So this was not the reason that induced King *James* to take a method so different from all his Popish Predecessors with the *Irish*. Next, I say, that his relying so much, as really he did, on Succours from *Ireland*; and the expectation of the mighty Power he had there, emboldened him to attempt what otherwise he would have thought too hazardous here, out of affinity with the matter in hand. I cannot omit taking notice of that Assertion of our Authors, That divine Providence, in consideration, as he supposes, of the unjustness of the late King's Sufferings, hath with little effusion of blood given him the intire possession of *Ireland*: Which is so true, that he was not able at the Expence of Ten thousand Lives, and three Months close Siege, to take in the small Town of *Derry*. And that other part of the Assertion, as to the intire possession, is so much otherwise, that the Protestants of *Ireland* have all this time had twelve Garrisons in their possession, wherein many Protestants were sheltered from the rage of their Enemies, and the neighbouring Country secured from their French Tricks.

When our Author tells us of the Dutch *Stivers*, and the changing our Gold for Brass, certainly he did not think of King *James's* new *Irish* Coin; by which a piece of Copper, less than an English farthing, with the Royal Image and Inscription, passes from him for Six-pence, and so proportionably; but yet it must not be repaid to him in his Revenue, which is another Invention to rob the Protestants there of all that the Army or Rapperies have left them. This is so palpable a Violation of our Property, and in so high a degree, that no Story can parallel it. In former times, when Leather-money passed amongst us, the inducement to persuade the using of it was, That it should be received in the Revenue; and that as soon as conveniently could be, it should be called in at the value it issued out; and accordingly so it was: But that is not practicable now,

now, at least to the advantage of any more of the Nation, than the last Possessors ; all the other hands it passes through being certainly losers, if in the Neighbourhood it be not as much valued as my Silver one, which doubtless it will not be. It is no strange thing to have Money enhanced something above the intrinsic value ; it has been the misfortune of most States to be forced in difficult times to make use of this expedient to increase their Coin : But then as there always was an assurance from such Government, that it should not only be received in all Payments to be made at the Exchequer, but also called in at last ; so there was also some proportion or *deorum* kept in the Advancement. Thus in the worst of the late times, when the Duke of *Ormond* Coined his own Plate, and all that the respect to him, or the Cause that he defended could gather together, he thought it sufficient to add a tenth part, and so made Five shillings out of Four and six-pence : So in the Harp-money, we find a fourth part added ; and a Nine-pence was issued out for a Shilling : So that in the first Case I had Nineteen pounds instead of Twenty pounds ; and in the worst Fifteen pounds ; whereas from King *James* and his People, I shall receive but Sixteen shillings Eight-pence for my Twenty pounds ; which is but the Twenty-fourth part of what I ought to have received. This is the first time that ever any thing, pretending to the Name of a Government, was so bankrupt as to issue Money that did not carry intrinsic value above the Twenty-fourth part of its Name.

The Story of the Frogs in the Fable was formerly so Sarcasically applied, that our Author should have avoided the bringing it into our Memory ; but he writes without considering the Consequences, or how severely his Allegations may be returned.

*England is 'twice York and Thre ;*

*The Fable of the Frog ;*

*He the devouring Stork, and Thou the Log.*

So he justifies the late King's retiring into France, because all Princes and States besides France were actually engaged against him; without considering the other edge, that there was little Confidence, and less Prudence in disobliging all the States of Europe in favour of France; or how soon hence we may argue, That that King, who has all the States of Europe on his back, will be able to afford but little relief to his Exiled Ally: And one would think the usage the late King met with, when he was last in France, was no temptation to run the risque of a second Command, to retire out of the Territories of his most Christian Majesty. But in this we must excuse him, for certainly he has not only forgotten the Usage he met with there; but also that ever he was there, otherwise he would not have added to the Clauses of his first Exile. But then this Reciprocal Love between France and Him, was no Argument why he might not have stayed at home; his Fear was not from the Rabble, as our Author says, for they Huzzed his return from *Fewdism*; but the truth is, he feared a Parliament, and that they would freete the Religion and Liberties of the Subject, and so ruin all his hopes of establishing Popery, which is scarce he feared more than the Abdicating of his Crowns. Our Author pretends he would have gone to Scotland, but that his Fleet had defended him, and there was danger in the Land way. To which I say, a single Ship could have carried him to Scotland, as well as France; but then it was offered him to chuse his place of Residence; and at what distance from the Parliament; and with what number of Guards he pleased; but he liked not this, because it supposed a Parliament. But since his Fears were so strong upon him, that say he durst not, why did he not leave us some sort of Government? Was there no Ballast so proper for his Ship as the Broad Seal, which was never carried beyond Sea but once before? and it was then reckoned as a crime in him that did it; though the Cardinal left the King behind him; but we had neither Shadow nor Substance left us, which is the last Act of Kindness he ever did this Nation, freeing us thereby from those Chains wherewith we had basely bound our selves.

Towards the latter end, our Author would persuade us, That it is a Calumny cast upon the late King, to say he endeavoured to be re-inflated singly upon a Popish Interest, and goes about to prove this by his Proclamations: A weak Argument this time of the day; but he enforces it by the good treatment he gives the Irish Protestants. But our Author might as well prove that the French King expects the Possession of the Palatinate, and the neighbouring Territories, from his kind usage of the Inhabitants, though King James's Army cannot take Towns the French way; yet to shew the World they have learned something from the French General, sent to assist them; they have burned them the French way; and in this have been so good Scholars, that they have out-done their Masters; so that all his labour is not lost; for they have lately burned more Towns in Ulster, than the King of France in Germany: Some of them we can reckon; as in the County of Derry, Newtown, Loughaddy-muffe, Monamore, Dunsin-bridge, Kilrea, Ballyaghy; in the County of Donegal, Raphoe, Donegal; in Tyrone Omagh, Castlebarfield; in Down, Newry; in the Counties of Cavan and Monaghan, Castlesanderson, Farnam, and other good Hoofes, (if not some Towns) which is one proof, that what they did of this sort, was out of rage and malice, and not with any design to incommode or prejudice the English Army: For what great relief could an Army find in one House? But what puts this matter beyond all dispute, they left the Town of Strabane, situate within ten Miles of Derry, unburnt, in the middle of their Rage and Flames; because it belonged to the Earl of Abercorn, who is a Papist, and Lord Strabane of that Kingdom; and all this havoc has been made since the late King's Arrival there.

It is needless, after this, to mention the Plunderings and Robberies of every Protestant in the Kingdom; but, in fact, so it is, that not one of them has escaped; and if this should be excused, as done against his Will, and without his Consent, and as the our rage of a cruel and ill-paid Army; if it be so,

let

let him be blameless; but then do not tell us of the good Treatment he hath given the *Irish* Protestants: If the blame thereof be taken from him, and placed to the account of the War, he has justice done him, without pretending to any Merit from his kindness to the Protestants; which will be much lessened, if we consider, that not one single Man of the Nation has been redressed: Flocks of Cattel cannot be so spirited away, but some part of them may and have been found out; but little Restitution to the Proprietors; and less of Punishment on the Offenders. Then again, though Robberies might have been in the Country, and at a distance from him, yet it is something strange that he could not serve the place of his own Residence, and the Country about it from such Violence; for which he has done so little, that no part of the Kingdom has greater reason to complain than they.

From these Considerations I am as much satisfied, that the Royal Assent accompanied these Rapines, as that it did; that far greater one, the Repeal of the Acts of Settlement. How the Advocates of King *James* will maintain this Treatment of his Protestant Subjects, I cannot tell; neither can I tell how to reconcile his Speech to his pretended Parliament on the 7th of *May*, proposing their relief against the Acts of Settlement, as he softly phrased it; and his Declaration to his pretended Subjects in *England*, dated the day after that most Gracious Speech; wherein he tells us, That the Priviledges and Properties of his Protestant Subjects was his Care; unless they say it was his Care and Endeavour how to destroy them.

We have heard of Mr. *L'Avant's* demand, That all Protestants should be dismissed the Council-Board, for otherwise he could not disclose his Master's Secrets there; which was immediately done.

We have heard from one of his Lords, That both the late King and his Popish Council, would rather hazard and lose Forty Crowns, than be obliged to the Protestants for the possession of the Kingdom, and design to regain his Dominions



ons by the Arms of good Catholicks, and the glorious Monarch of France; and their reason for this is very comfortable to all English-men and Protestants: being that in the first Case, he must be tied and fettered with Conditions; but in the other Case he would come in free and boundless, and, like an Absolute Conqueror, might do what he pleased.

I thought I had done with our Author, when I cast my Eye on a line as true as most of the rest, That *the King never tempted any of the Men of Honour to change their Religion*. I never had the honour of being Clofетted, to know not the Discourses usually practised there; but it would be some disparagement to his, and his Father-Confessor's Zeal, to think that always forgotten. But without insisting on that, it is not to be imagined that so many turned Apostates without temptation; or that the Treasurer's Staff carried none with it. Our Author makes him kinder herein, than his Promise in the *Scotch Declaration*, not to use invincible necessity. The Reflections due to this have been done by so much a better hand, that I will forbear.

And having thus done with the Author, it is time to draw to a Conclusion: In order to which, I will only observe upon the whole matter, That the Subjects of this Kingdom, during the Reign of King *James*, were in so miserable a condition, that they could call nothing their own, but their Fears and sad Apprehensions of the worse things that were preparing for them.

When we heard we were to Obey without reserve, we could not forget the Times of our happy Ancestors, whose Obedience was guided by the known Laws of the Land, and lament our own and Childrens fate that were to be ruled by the Arbitrary Will of one Man, for whose Prudence and Moderation we could have no security. When we saw a Power to Suspend some Laws put in Execution, we could not but look on all the rest as lost, since our Tenure was

To precarious. When we saw our Clergy so much oppressed In those early days, we did not doubt Father *Peter's* Will or Power to improve that Spirit of Persecution, as far as a blind Zeal, or the *French* Pattern could carry it. When we saw an Army maintained in time of Peace, we could not forbear thinking sometimes on the *French* Dragoons, and their way of Propagating the Faith. In a word; when we saw the strange Methods that were taken to procure a right House of Commons, we could not but fear, that our Misery would be perfected by those we formerly thought the Preservers of our Liberties and Properties.

And now that it hath pleased God to put an end to all these things; and that we are not only free, but have a long prospect of Happiness before us; not to be destroyed, but by our selves; not to be lessened or impaired, but by the influence of such Discourses as the Author's on weak or unwary Men. Let us remember how much it concerns every one of us to oppose those designs, which tend only to bring us into the same slavery we have so lately escaped: The same did I say? Alas, as ill as we were before the Abdication upon his return, that would be a desirable State; unless we believe he has learned Mercy in *France*, or that he is less a Papist than he was, or of less Arbitrary Principles. When Gratitude for the highest Obligations, both the setting and keeping the Crown on his Head, could not preserve us, our Laws or Religion, what must we expect from his Anger and Revenge? And if we consider with what Severity the weak Endeavours of *Monmouth* and his Party, to Dethrone him, were punished. It is hard to imagine what Punishment is reserved for those that have actually displaced him, or taken him at his word, which he accounts the same thing; and we must not think that his Thunder would only pursue those that have been active in the late Revolution, but the whole Nation must be struck with it, that it may not be in their power to do the same thing again; and it would be a mighty Army, he would think, big enough to secure him from the like affront; and



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